

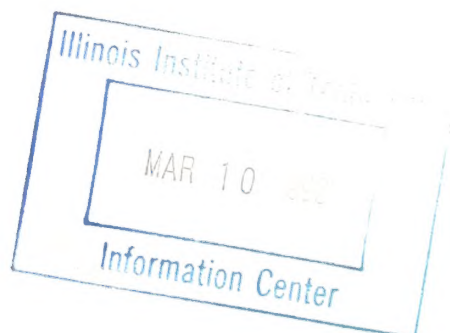
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Rules of Governmental Agencies

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Secretary of State

TABLE OF CONTENTS

March 6, 1998 Volume 22, Issue 10

PROPOSED RULES

DEPARTMENT OF HUMAN SERVICES

Temporary Assistance For Needy Families

89 Ill. Adm. Code 1124354

ADOPTED RULES

ENVIRONMENTAL PROTECTION AGENCY

Procedures For Determining Water Quality Based Permit Limitations For National Pollutant Discharge Elimination System Dischargers To The Lake Michigan Basin

35 Ill. Adm. Code 3524356

GAMING BOARD, ILLINOIS

Riverboat Gambling

86 Ill. Adm. Code 30004390

PUBLIC AID, DEPARTMENT OF

Medical Payment

89 Ill. Adm. Code 1404412

Specialized Health Care Delivery Systems

89 Ill. Adm. Code 1464430

EMERGENCY RULES

DEPARTMENT OF HUMAN SERVICES

Temporary Assistance For Needy Families

89 Ill. Adm. Code 1124466

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

CARNIVAL-AMUSEMENT SAFETY BOARD

Carnival And Amusement Ride Inspection Law

56 Ill. Adm. Code 6000, Withdrawal4499

EDUCATION, STATE BOARD OF

School Construction Program

23 Ill. Adm. Code 151, Modification (Emergency)4500

PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD

Health Facilities Planning Procedural Rules

77 Ill. Adm. Code 1130, Withdrawal4505

**JOINT COMMITTEE ON ADMINISTRATIVE RULES-
STATEMENT OF OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS,
PROHIBITED FILINGS & APPROVALS**

EDUCATION, STATE BOARD OF

School Construction Program

23 Ill. Adm. Code 151, Objections (Emergency)4506

School Construction Program

23 Ill. Adm. Code 151, Recommendation (Emergency)4511

ENVIRONMENTAL PROTECTION AGENCY

Procedures For The Collection Of Air Pollution Site Fees

35 Ill. Adm. Code 251, Recommendation4512

Procedures For Determining Water Quality Based Permit Limitations For
National Pollutant Discharge Elimination System Dischargers To The
Lake Michigan Basin

35 Ill. Adm. Code 352, Recommendation4513

POLLUTION CONTROL BOARD

Standards For The Management Of Used Oil

35 Ill. Adm. Code 739, Objection4514

NOTICE OF PUBLIC HEARINGS

PUBLIC HEALTH, DEPARTMENT OF

Aids Confidentiality And Testing Code

77 Ill. Adm. Code 6974515

Control Of Sexually Transmissible Diseases Code

77 Ill. Adm. Code 6934516

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received4517

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

98-2 Transferring the Authority, Powers, and Duties of

DCCA Under The Community Service Act to DHS4519

98-3 Executive Order Pertaining to Procurement Reform4521

PROCLAMATIONS

98-034 Dunbar Vocational Career Academy Day4523

98-035 Future Business Leaders of America-Phi Beta Lambda

Week4523

98-036 Future Society Week4524

98-037 Proud Lady Beauty Show Month4524

98-038	Week of the High Risk Child	4525
98-039	Kendall County Soil and Water Conservation District Day	4525
98-040	Perry County Soil and Water Conservation District Day	4526
98-041	Certified Nurse Assistant Week	4526
98-042	Four Chaplains Sunday	4527
98-043	Long-Term Care Administrators Week	4527
98-044	Long-Term Care Nurses Week	4527
98-045	Nursing Home Week	4528
98-046	Volunteer Week	4528
98-047	Girls and Women in Sports Day	4528
98-048	Industrial Distribution Day	4529
98-049	Oral Health America Day	4530
98-050	School Psychologists Association Week	4530
98-051	Lithuanian Independence Day	4531
98-052	We Remember, We Care for Indigent Persons Day	4531
98-053	Licolen-Way Knights Champions Day	4531
98-054	Providence Celtics Champions Day	4532
98-055	Walkamerica Weekend	4532

ISSUES INDEX I-1

REGISTER PUBLICATION SCHEDULE 1998

Material Rec'd before Noon on:	Will be in Issue #:	Published on:	Material Rec'd before Noon on:	Will be in Issue #:	Published on:
Dec. 23, 1997	1	Jan. 2, 1998	June 30, 1998	28	July 10, 1998
Dec. 31, 1997	2	Jan. 9, 1998	July 7, 1998	29	July 17, 1998
Jan. 6, 1998	3	Jan. 16, 1998	July 14, 1998	30	July 24, 1998
Jan. 13, 1998	4	Jan. 23, 1998	July 21, 1998	31	July 31, 1998
Jan. 20, 1998	5	Jan. 30, 1998	July 28, 1998	32	Aug. 7, 1998
Jan. 27, 1998	6	Feb. 6, 1998	Aug. 4, 1998	33	Aug. 14, 1998
Feb. 3, 1998	7	Feb. 13, 1998	Aug. 11, 1998	34	Aug. 21, 1998
Feb. 10, 1998	8	Feb. 20, 1998	Aug. 18, 1998	35	Aug. 28, 1998
Feb. 17, 1998	9	Feb. 27, 1998	Aug. 25, 1998	36	Sept. 4, 1998
Feb. 24, 1998	10	Mar. 6, 1998	Sept. 1, 1998	37	Sept. 11, 1998
Mar. 3, 1998	11	Mar. 13, 1998	Sept. 8, 1998	38	Sept. 18, 1998
Mar. 10, 1998	12	Mar. 20, 1998	Sept. 15, 1998	39	Sept. 25, 1998
Mar. 17, 1998	13	Mar. 27, 1998	Sept. 22, 1998	40	Oct. 2, 1998
Mar. 24, 1998	14	Apr. 3, 1998	Sept. 29, 1998	41	Oct. 9, 1998
Mar. 31, 1998	15	Apr. 10, 1998	Oct. 6, 1998	42	Oct. 16, 1998
Apr. 7, 1998	16	Apr. 17, 1998	Oct. 13, 1998	43	Oct. 23, 1998
Apr. 14, 1998	17	Apr. 24, 1998	Oct. 20, 1998	44	Oct. 30, 1998
Apr. 21, 1998	18	May 1, 1998	Oct. 27, 1998	45	Nov. 6, 1998
Apr. 28, 1998	19	May 8, 1998	Nov. 3, 1998*	46	Nov. 13, 1998
May 5, 1998	20	May 15, 1998	Nov. 10, 1998	47	Nov. 20, 1998
May 12, 1998	21	May 22, 1998	Nov. 17, 1998	48	Nov. 30, 1998*
May 19, 1998	22	May 29, 1998	Nov. 24, 1998	49	Dec. 4, 1998
May 26, 1998	23	June 5, 1998	Dec. 1, 1998	50	Dec. 11, 1998
June 2, 1998	24	June 12, 1998	Dec. 8, 1998	51	Dec. 18, 1998
June 9, 1998	25	June 19, 1998	Dec. 15, 1998	52	Dec. 28, 1998*
June 16, 1998	26	June 26, 1998	Dec. 22, 1998	1	Jan. 4, 1999*
June 23, 1998	27	July 6, 1998*	Dec. 29, 1998	2	Jan. 8, 1999

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families

- 2) Code Citation: 89 Ill. Adm. Code 112

- 3) Section Numbers:
112.78 Proposed Action:
Amendments

- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking provides for both the TANF cash assistance and the Food Stamp Programs to be worked off by participation in the Work First Program for both TWI and non-TWI participants. By combining the food stamps and the cash assistance grant, the Department will be able to place more clients in the Work First Program which will allow the Department to meet the federal participation rate. These amendments will also act as a safety net for TWI individuals who have reached their 24-month limit.

Work First/Pay After Performance for TWI Participants

These amendments establish that TWI participants in Work First must work at least 80 hours per month (20 hours per week for single-parent cases) or 120 hours per month (30 hours per week for two-parent cases) in an assigned Pay After Performance position to earn their TANF grant and food stamps. If the participant does not work 80 hours per month for single-parent cases or 120 hours per month for two-parent cases, the reduction per hour not worked will be the amount of the grant divided by 80 hours or 120 hours respectively. Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case will be ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

Work First/Pay After Performance for Non-TWI Participants

These amendments establish that individuals in a TANF case, assigned to Work First, must participate in Work First an average of at least 20 hours each week to earn their TANF grant and food stamps. Nonexempt individuals in a two-parent case must participate an average of at least 30 hours each week in Work First and 5 additional hours in Job Search and/or job club activities. Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case will be ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this rulemaking.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mrs. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Building
Springfield, Illinois 62762
Telephone: (217) 785-9772
TTY: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appear in this issue of the *Register* on page

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Procedures for Determining Water Quality Based Permit Limitations for National Pollutant Discharge Elimination System Dischargers to the Lake Michigan Basin

- 2) Code Citation: 35 Ill. Adm. Code 352

<u>Section Numbers:</u>	<u>Adopted Action:</u>
352.100	New Section
352.101	New Section
352.102	New Section
352.103	New Section
352.104	New Section
352.105	New Section
352.106	New Section
352.200	New Section
352.300	New Section
352.302	New Section
352.303	New Section
352.401	New Section
352.410	New Section
352.412	New Section
352.421	New Section
352.422	New Section
352.423	New Section
352.424	New Section
352.425	New Section
352.430	New Section
352.440	New Section
352.500	New Section
352.520	New Section
352.530	New Section
352.540	New Section
352.550	New Section
352.600	New Section
352.700	New Section
352.800	New Section
352.900	New Section

- 4) Statutory Authority: Implementing Section 13 and authorized by Sections 11(b) and 39(b) of the Environmental Protection Act [415 ILCS 5/11(b) and 39(b)]

- 5) Effective Date of Rule: February 20, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this adopted rule contain incorporations by reference? Yes

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- 8) Date Filed in the Agency's Principal Office: February 20, 1998
- 9) Notice of Proposal Published in the Illinois Register: 21 Ill. Reg. 13416, October 10, 1997

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

1. In the Table of Contents at 352.302, changed "TCDD" to "TCDD".

2. In the SOURCE note, changed "21" to "22" before Ill. Reg.

3. In Section 352.102, changed "wet weather discharges" to "a Wet Weather Point Source" and changed "302.501" to "352.104."

4. In Section 352.104, added "approved in 40 CFR 136" after "procedure" and before the comma in the definition of "Minimum Level"; and added "approved in 40 CFR 136 and" before calibrated in the definition of "Quantification Level"; and added a definition for "Same Body of Water" as follows: "Same Body of Water" means that, for purposes of evaluating intake pollutants consistent with Section 352.425, the Agency will consider intake pollutants to be from the same body of water if the Agency finds that the intake pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee and there is a direct hydrological connection between the intake and the discharge points. Notwithstanding the provisions of this definition, an intake pollutant shall be considered to be from the same body of water if the permittee's intake point is located on Lake Michigan and the outfall point is located on a tributary of Lake Michigan. In this situation, the background concentration of the pollutant in the receiving water shall be similar to or greater than that in the intake water and the difference, if any, between the water quality characteristics of the intake and receiving water shall not result in an adverse impact on the receiving water"; and added a "1" before "22.26(b)(8)".

5. In Section 352.105, deleted the ending colon and replaced with a period; and added "Available from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402. (202) 783-3238"; and added "40 CFR 130.2(h) (1996), 40 CFR 130.2(i) (1996), 40 CFR 130.7 (1996), 40 CFR 122.26(b)(8) (1996), 40 CFR 122.26(b)(14) (1996), Table 6 of 40 CFR 132 (1996), Procedure 3.A of Appendix F of 40 CFR 132 (1996), Procedure 5.b.2 of Appendix F of 40 CFR 132 (1996)".

6. In Section 352.106, replaced "305.520" with "302.521".

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

7. In Section 352.200(e), added "for TMDLs, certified by the Agency as meeting the requirements of sections B through F of Procedure 3 of Appendix F to 40 CFR 132, and approved by USEPA" after "federal law"; and struck ", and" after permit and added a period. Capitalized "appeal".
8. In Section 352.302, changed "TCCD" to "TCDD" in the section heading, text and formula.
9. In Section 352.401(b), added "or equal to" after "less than" and struck "equals or" after "PEQ".
10. In Section 352.410, added a sentence, "Data shall be collected and analyzed in accordance with USEPA or Agency approved sampling and analytical methods." after "NPDES permit."
11. In Section 352.421(a), added "if a reasonable" after "determining", and "exists" after "water quality standard"; and changed the reference to "352.411" to "352.410".
12. In Section 352.421(b), changed the reference to "352.411" to "352.410".
13. In Section 352.421(d), added "at the 95th percentile value" after "PEQ".
14. In Section 352.421(e), added "or equal to" after "less than" and changed the reference to "353.430" to "352.430".
15. In Section 352.422, deleted "equal to or" after "parameter is".
16. In Section 352.423, changed the introductory paragraph into a subparagraph with the addition of an "a" and an indent and added a subparagraph (b) to read:
- (b) The representative background concentration of pollutants to develop TMDLs and WLAs calculated in the absence of a TMDL shall be established as follows:
- (1) "Background" represents all pollutant loadings, specifically loading that:
- (A) Flow from upstream waters into the specified watershed, water body, or water body segment for which a TMDL or WLA in the absence of a TMDL is being developed.
- (B) Enter the specified watershed, water body, or water body segment through atmospheric deposition, chemical reaction,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

or sediment release or resuspension.

- (2) When determining what available data are acceptable for use in calculating background, the Agency shall use its best professional judgment, including consideration of the sampling location and the reliability of the data through comparison, in part, to detection and quantification levels. When data in more than 1 of the data sets or categories described in subsection (3) of this subsection (b) exists, best professional judgment shall be used to select the data that most accurately reflects or estimates background concentrations. Pollutant degradation and transport information may be considered when using pollutant loading data to estimate a water column concentration.
- (3) The representative background concentration for a pollutant in the specified watershed, water body, or water body segment shall be established as the geometric mean of acceptable water column data or water column concentrations estimated through the use of acceptable or projected pollutant loading data. When determining the geometric mean of the data for a pollutant that includes values both above and below the detection level, values less than the detection level shall be assumed to be present at 1/2 of the detection level if the detection level is less than the lowest water quality value for that pollutant. If all of the acceptable data in a data set are below the detection level for a pollutant, then all the data for the pollutant in that data set shall be assumed to be zero. If the detection level of the available data is greater than the lowest water quality value for the pollutant, then the background concentration will be determined by the Agency on a case-by-case basis after considering all representative data, including acceptable fish tissue data."
17. In Section 352.424(a), added "or equal to" after "less than".
18. In Section 352.424(b), deleted "equal to or" after "PEQ is".
19. In Section 352.424(c), deleted "equal to or" after "PEQ is".
20. In Section 352.425(a)(1), struck "The permittee withdraws 100% of the water comprising the discharge from the same body of water that receives the discharge" and replaced with "100% of the water comprising the discharge is withdrawn from the same body of water that receives the discharge".
21. In Section 352.425(b)(4), added "intake" before "pollutant" and added "to a discharge level that is below the level in the intake water" after "concern" and before the comma.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

22. In Section 352.430(a), added "'s" effluent" after "facility".
23. In Section 352.430, added a new subsection (f) that reads as follows:
- "(f) For each pollutant listed in Table 6 to 40 CFR 132 (1996) which a permittee reports as known or believed to be present in its discharge and for which data sufficient to calculate tier II values for noncancer human health and aquatic life do not exist all of the following provisions apply:
- (1) The Agency shall use all available, relevant toxicity information to estimate ambient screening values for the pollutant that will protect humans from noncancer health effects and aquatic life from acute and chronic effects.
 - (2) Using the provisions specified in Section 352.423, the Agency shall develop a PEL based on the estimated ambient screening value as determined in subsection (f)(1) of this Section, and compare the PEL with the PEQ. If the PEQ exceeds the PEL, then the Agency shall generate the minimum data necessary to derive tier II values for noncancer human health and aquatic life.
 - (3) The data generated in accordance with subsection (f)(2) of this Section shall be used to calculate water quality values. The values shall be used in calculating a PEL pursuant to Section 352.423 for the purpose of determining whether a WQBEL must be included in the permit. If the Agency finds that the PEQ exceeds the PEL, the Agency shall follow the procedures under Section 352.424 to determine whether a WQBEL must be established in the permit."
24. In Section 352.500, struck the "s" at the end of "conditions".
25. In Section 352.500(a), changed "Tua" to "TU[a]".
26. In Section 352.500(b), changed "TUC" to "TU[c]".
27. In Section 352.520(c)(2), added a comma after "standard".
28. In Section 352.530, changed "Tua" and "TUC" to "TU[a]" and "TU[c]".
29. In Section 352.540, changed "Tua" and "TUC" to "TU[a]" and "TU[c]" and struck "effluent (Ce)" and replaced with "background water (Cd)".
30. In Section 352.550(a), added "or equal to" after "is less than".
31. In Section 352.550(b), deleted "equal to or" after "PEQ is".

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

32. In Section 352.700(a), deleted "analytical" before "method".
33. In Section 352.700(a)(2), added "adopted by the Board and" after "analytical method" and added "adopted by the Board" after "other appropriate method".
34. In Section 352.700(a)(4) deleted "analytical" after "alternative" and added "adopted by the Board" after "methods".
35. In Section 352.700, deleted subparagraph d) and relettered subsection "e" to "d".
36. In Section 352.700(new d), added "a new" before "alternative"; deleted "and" and inserted "or" after "method"; added ", or both" after "level"; added "and" before "consistent"; and deleted "and" and added "or" before "modification".
37. In Section 352.800(a), deleted "effective date" and added "February 20, 1998" after "after".
38. In Section 352.800(b), deleted "effective date" and added "February 20, 1998".
39. In Section 352.800(d), deleted "302.570(d)" and replaced with "302.565(b)".
40. In Section 352.900, deleted "Exceptions to this requirement include".
41. In Section 352.900(a), added "Exceptions" after "a)".
42. In Section 352.900(a)(1), changed "E)" to "C)".
43. In Section 352.900(b), added "Antidegradation demonstrations" after "b)".
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: These rules establish implementation procedures specific to the Lake Michigan Basin to be as protective as the Final Water Quality Guidance for the Great Lakes System, published by the US EPA on March 23, 1995 (60 FR 15366) and codified at 40 CFR Parts 9, 122, 123, 131 and 132, in advance of federal promulgation of such procedures.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

In particular, these implementation procedures are derived from Appendix F to 40 CFR 132 that contains nine procedures. Procedure 1 controls site-specific modifications to Criteria and Values adopted by the Illinois Pollution Control Board (Illinois PCB) that are subject to regulations of the Illinois PCB and not covered here. Procedure 2 controls variances from water quality standards that are also subject to regulations of the Illinois PCB and are also not covered here. Procedure 3 covers the procedure for determining the need for and amount of water quality based effluent limitations in National Pollutant Discharge Elimination System (NPDES) permits based on evaluation of existing water quality and is contained in Subpart B of this Part 352. Procedure 4 controls the calculation of additive effects of combinations of pollutants and is contained in Subpart C of this Part 352. Procedure 5 controls the calculation of the reasonable potential of a facility's discharge to exceed the water quality standard, criteria, or value and is contained in Subpart D of this Part 352. Procedure 6 controls the application of the Illinois PCB's prohibition of toxic effects from the whole effluent and is contained in Subpart E of this Part 352. Procedure 7 controls the imposition of limits on the total amount of a pollutant in a discharge and is contained in Subpart F of this Part 352. Procedure 8 controls the imposition of water quality based effluent limits that are below the measurement level and is contained in Subpart G of this Part 352. Procedure 9 controls compliance schedules for dischargers to the Lake Michigan Basin and is contained in Subpart H of this Part 352. In addition, Appendix E to 40 CFR 132 establishes antidegradation implementation procedures contained in Subpart I to this Part 352.

16) Information and questions regarding this adopted rule shall be directed to:

Mr. Toby Prevett
Great Lakes Program
Bureau of Water Pollution Control
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

The full text of the Proposed Rules begins on the next page:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 352

PROCEDURES FOR DETERMINING WATER QUALITY BASED PERMIT
LIMITATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM DISCHARGERS TO THE LAKE MICHIGAN BASIN

SUBPART A: INTRODUCTION

Section	
352.100	Introduction
352.101	Scope
352.102	Applicability
352.103	Purpose
352.104	Definitions
352.105	Incorporations by Reference
352.106	Relationship to Other Regulations
	SUBPART B: DISCHARGES TO WATERS NOT CURRENTLY MEETING WATER QUALITY STANDARDS, CRITERIA, OR VALUES
352.200	Procedures for Establishing Permit Limitations for Discharges to Waters Not Currently Meeting Water Quality Standards, Criteria, or Values
	SUBPART C: ASSESSING HUMAN HEALTH IMPACTS OF MULTIPLE TOXIC SUBSTANCES INCLUDING ADDITIVITY PROCEDURES FOR CHLORINATED DIBENZO-P-DIOXINS AND CHLORINATED DIBENZOFURANS
352.300	Additivity for Combinations of Substances
352.302	Values for 2,3,7,8-TCDD Toxicity Equivalence Concentrations
352.303	Criteria for Consideration of Additivity for Nonthreshold Toxic Substances
	SUBPART D: ASSESSMENT OF REASONABLE POTENTIAL TO EXCEED WATER QUALITY STANDARDS, CRITERIA, AND VALUES
352.401	Applicability and Exclusions
352.410	Data Requirements
352.412	Conversion Factors for Dissolved and Total Metals
352.421	Estimation of Projected Effluent Quality
352.422	Dilution Allowance
352.423	Calculation of Preliminary Effluent Limitation
352.424	Determination of Reasonable Potential
352.425	Intake Credits

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- 352.430 Instances Requiring Effluent Limits, Other Conditions, or Additional Data
- 352.440 Special Provisions for Noncontact Cooling Water

SUBPART E: APPLICATION OF WHOLE EFFLUENT TOXICITY REQUIREMENTS

- 352.500 Procedures for Establishing Permit Limits and Special Provisions for the Potential to Exceed Determination
- 352.520 Whole Effluent Toxicity Data
- 352.530 Estimation of Projected Effluent Quality (PEQ)
- 352.540 Calculation of Preliminary Effluent Limitation (PEL)
- 352.550 Establishing Whole Effluent Toxicity Conditions

SUBPART F: MASS LOADING LIMITS

- 352.600 Mass Loading Limits

SUBPART G: EFFLUENT LIMITS BELOW THE LEVEL OF QUANTIFICATION

- 352.700 Water Quality Based Effluent Limits Below Detection or Quantification

SUBPART H: COMPLIANCE SCHEDULES

- 352.800 Compliance Schedules

SUBPART I: ANTIDEGRADATION PROVISIONS FOR BIOACCUMULATIVE CHEMICALS OF CONCERN

- 352.900 Antidegradation Provisions For Bioaccumulative Chemicals of Concern (BCCs)

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 39(b) of the Environmental Protection Act [415 ILCS 5/11(b), 13 and 39(b)]

SOURCE: Adopted at 22 Ill. Reg. 4350 effective FEB 20 1998.

NOTE: In this Part, superscript number or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: INTRODUCTION

Section 352.100 Introduction

This Part 352 contains Illinois Environmental Protection Agency (Illinois EPA or Agency) rules for the application of the Illinois Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

(Illinois PCB) rules for the Lake Michigan Basin at 35 Illinois Adm. Code 302.Subparts A and E to the National Pollutant Discharge Elimination System (NPDES) permit program administered for discharges to the Lake Michigan Basin within the State of Illinois. These rules are required pursuant to the Final Guidance for the Great Lakes System, 60 FR 15366 adopted on March 23, 1995 by the United States Environmental Protection Agency (USEPA) to implement Section 118(c)(2) of the Clean Water Act (33 U.S.C. 1268) as amended by the Great Lakes Critical Programs Act of 1990 (P. L. 101-596, 104 Stat. 3000). That guidance identifies minimum water quality standards, antidegradation policies and implementation procedures that states must establish for the Great Lakes System to protect human health, aquatic life and wildlife. The water quality standards, criteria and value derivation procedures, variance and site specific rulemaking procedures and antidegradation policies required under the Great Lakes Guidance and applicable to the Lake Michigan Basin, are contained in Illinois Pollution Control Board Rules. The implementation procedures required by that guidance are contained in this Part 352.

Section 352.101 Scope

The regulations in this Part 352 contain the procedures used by the Illinois Environmental Protection Agency to determine effluent limits and other conditions in NPDES permits. These regulations are cumulative with conditions, effluent limitations and other requirements established under the Illinois Environmental Protection Act [415 ILCS 5], regulations of the Illinois Pollution Control Board, the Federal Water Pollution Control Act (33 U.S.C. 1251) as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

Section 352.102 Applicability

The regulations in this Part 352 apply only to dischargers to the Lake Michigan Basin, as that term is defined at 35 Ill. Adm. Code 303.443. These regulations do not apply to a Wet Weather Point Source as that term is defined at 35 Ill. Adm. Code 352.104.

Section 352.103 Purpose

The purpose of this Part 352 is to establish implementation procedures that are consistent with (as protective as) Appendix E and Procedures 3, 4, 5, 6, 7, 8, and 9 of Appendix F to 40 CFR 132 (1996).

Section 352.104 Definitions

Terms used in this Part have the meanings specified in 35 Ill. Adm. Code 301.200 through 301.444 and 302.501. The following terms have the meanings specified:

"Agency" means the Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

"Area of Concern" or "AOC" is an area specially designated for remediation efforts.

"Bioaccumulative Chemicals of Concern" or "BCC" means a chemical or class of chemicals meeting the definition at 35 Ill. Adm. Code 302.501.

"Lake Michigan Lakewide Management Plan" or "LaMP" is a plan to manage the Illinois portion of Lake Michigan as approved by USEPA.

"Method Detection Level" is the minimum concentration of an analyte (substance) that can be measured and reported with a 99 percent confidence that the analyte concentration is greater than zero as determined by the procedure set forth in Appendix B of 40 CFR 136.

"Minimum Level" or "ML" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure approved in 40 CFR 136, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

"Outlier" is a test value that is not statistically valid under tests approved in 40 CFR 136.

"Quantification Level" is a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure approved in 40 CFR 136 and calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

"Pollutant Minimization Program" means a plan to achieve or maintain the goal of reducing contaminant discharges to below water quality based effluent limits.

"Preliminary Effluent Limitation" or "PEL" is an estimate of an allowable discharge taking into consideration mixing or dilution.

"Projected Effluent Quality" or "PEQ" is the amount of a contaminant estimated to be discharged by a facility or activity taking into account statistical analysis of the discharge or activity.

"Reasonable Potential Analysis" or "Reasonable Potential to Exceed" means the procedure to predict whether an existing or future discharge would cause or contribute to a violation of water quality standards,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

criteria or values.

"Same Body of Water" means that, for purposes of evaluating intake toxic substances consistent with Section 352.425, the Agency will consider intake toxic substances to be from the same body of water if the Agency finds that the intake toxic substance would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee and there is a direct hydrological connection between the intake and the discharge points. Notwithstanding the provisions of this definition, an intake toxic substance shall be considered to be from the same body of water if the permittee's intake point is located on Lake Michigan and the outfall point is located on a tributary of Lake Michigan. In this situation, the background concentration of the toxic substance in the receiving water shall be similar to or greater than that in the intake water and the difference, if any, between the water quality characteristics of the intake and receiving water shall not result in an adverse impact on the receiving water.

"Total Maximum Daily Load" or "TMDL" is the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined at 40 CFR 130.2(i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water body and still assure attainment and maintenance of water quality standards.

"USEPA" means the United States Environmental Protection Agency.

"Waste Load Allocation" or "WLA" is the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined at 40 CFR 130.2(h). In the absence of a TMDL approved by EPA pursuant to 40 CFR 130.7 or an assessment and remediation plan developed and approved in accordance with procedure 3.A of Appendix F of 40 CFR 132, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards.

"Water Quality Based Effluent Limitation" or "WQBEL" is a limit imposed in a permit so that the applicable water quality standard, criteria or value is not exceeded outside of a designated mixing zone.

"Wet Weather Point Source" means any discernible, confined and discrete conveyance from which pollutants are, or may be, discharged as the result of a wet weather event. Discharges from wet weather point sources shall include only: discharges of storm water from a municipal separate storm sewer as defined at 40 CFR 122.26(b)(8); storm water discharge associated with industrial activity as defined

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

at 40 CFR 122.26(b)(14); discharges of storm water and sanitary wastewaters (domestic, commercial, and industrial) from a combined sewer overflow; or any other stormwater discharge for which a permit is required under section 402(p) of the Clean Water Act. A storm water discharge associated with industrial activity which is mixed with process wastewater shall not be considered a wet weather point source.

"Whole Effluent Toxicity" or "WET" means a test procedure that determines the effect of an effluent on aquatic life.

Section 352.105 Incorporations by Reference

- a) The Agency incorporates the following publications by reference. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402. (202)783-3238:
 - 40 CFR 122.26(b)(8) (1996)
 - 40 CFR 122.26(b)(14) (1996)
 - 40 CFR 130.2(h) (1996)
 - 40 CFR 130.2(i) (1996)
 - 40 CFR 130.7 (1996)
- b) This Section incorporates no future editions or amendments.

Section 352.106 Relationship to Other Regulations

Appendix F to 40 CFR 132 requires 9 specific permit procedures for which Great Lakes states must adopt consistent provisions. Procedures 1 and 2 of the Appendix requires procedures for site-specific modifications to standards, criteria and values and procedures for variances from water quality standards, criteria and values for point sources. These requirements are within the authority of the Illinois Pollution Control Board, not Illinois EPA, and therefore not contained in this Part. These procedures are at 35 Ill. Adm. Code: Subtitle A, Chapter 1, procedures 3 through 9 of the Appendix require specific procedures for permit issuance and are contained in Subparts B through H of this Part. Subpart I contains Agency permitting procedures related to the special anti-degradation provision for bioaccumulative chemicals of concern at 35 Ill. Adm. Code 305.521.

SUBPART B: DISCHARGES TO WATERS NOT CURRENTLY MEETING WATER QUALITY STANDARDS, CRITERIA, OR VALUES

Section 352.200 Procedures for Establishing Permit Limitations for Discharges to Waters Not Currently Meeting Water Quality Standards, Criteria, or Values

Discharges tributary to any water body segment within the Lake Michigan Basin

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

that contains a parameter that is known to exceed the ambient water quality standards and resulting in that water body being identified and listed on the Agency's list of impaired waters required by Section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)) and 40 CFR 130.7(b)(6) shall have limitations and conditions established by the Agency as follows:

- a) All specific provisions and limitations contained within the most recent adopted and USEPA approved Lake Michigan Lakewide Management Plan (LaMP) that apply to any discharge covered by the permit shall be considered for incorporation into the permit consistent with subsection (e) below.
- b) All requirements of a Remedial Action Plan (RAP) for an Area of Concern (AOC) applicable to the subject discharge shall be considered for incorporation into the permit consistent with subsection (e) below.
- c) Discharge limitations established through an approved Response Action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, shall be considered for incorporation into the permit consistent with subsection (e) below.
- d) Total Maximum Daily Loads (TMDLs) and Waste Load Allocations (WLA) will be established through either the LaMP or a RAP for an Area of Concern. If a LaMP or RAP has not been completed and adopted, effluent limits shall be established consistent with the other provisions of this Part, including but not limited to Additivity, Intake Pollutants, Loading Limits, Level of Detection/Level of Quantification and Compliance Schedules. When calculation of TMDLs or a Waste Load Allocation is incomplete and it is expected that limits established through other provisions will be superseded upon completion of the TMDL or Waste Load Allocation process, said limits shall be identified as interim and the permit shall include a reopening clause triggered by completion of TMDL or WLA determination. Any new limits brought about through exercise of the reopening clause shall be eligible for delayed compliance dates and compliance schedules consistent with Subpart H of this Part.
- e) Any provisions or limitations referred to in subsection (a), (b), (c), or (d) will be subject to public participation procedures under State and federal law for TMDLs, certified by the Agency as meeting the requirements of sections B through F of Procedure 3 of Appendix F to 40 CFR 132, and approved by USEPA before being incorporated into the permit. Appeal or judicial review procedures will be the same as with any other permit terms.

SUBPART C: ASSESSING HUMAN HEALTH IMPACTS OF MULTIPLE TOXIC SUBSTANCES INCLUDING ADDITIVITY PROCEDURES FOR CHLORINATED DIBENZO-P-DIOXINS AND CHLORINATED DIBENZOFURANS

Section 352.300 Additivity for Combinations of Substances

35 Ill. Adm. Code 302.590 establishes an acceptable additive risk level of one

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Section 352.303 Criteria for Consideration of Additivity for Nonthreshold Toxic Substances

Any combination of carcinogenic or otherwise nonthreshold toxic substances shall be assessed on a case by case basis. The Agency shall only consider such additivity for chemicals that exhibit the same type of effect and the same mechanism of toxicity, based on available scientific information that supports a reasonable assumption of additive effects.

SUBPART D: ASSESSMENT OF REASONABLE POTENTIAL TO EXCEED WATER QUALITY STANDARDS, CRITERIA, AND VALUES**Section 352.401 Applicability and Exclusions**

The need for a WQBEL is based on the potential of a given parameter to cause or contribute to a violation of the applicable water quality standard, criteria, or value. In certain circumstances, this may entail application of a mixing zone to the discharge before comparing the effluent concentration of a substance to the water quality standard, criteria, or value. The Agency shall conduct an analysis of the reasonable potential for a given effluent to exceed or contribute to excursions above water quality standards that may occur in the receiving body during the NPDES permit review. This reasonable potential analysis is based on statistical analysis of the effluent and the following factors:

- Reasonable potential analysis is conducted on a parameter-by-parameter basis. In instances where a reasonable potential to exceed a water quality standard for a substance does exist, it does not imply that a reasonable potential for all parameters present in the effluent exists or that WQBELs for all parameters are required.
- The assignment of values for WQBELs is dependent on the application of dilution or mixing zones. The process used for permit review will be conducted in a stepwise approach with the first step being a direct comparison of the Projected Effluent Quality (PEQ) to the applicable water quality standard, criteria or value. If the PEQ is less than or equal to the applicable standard, criteria or value, the Agency will conclude that no potential to exceed exists, that the analysis for that parameter is completed and no WQBEL will be established in the permit unless otherwise warranted under Section 352.430. If the PEQ exceeds the applicable standard, criteria or value, the analysis shall proceed to consideration of mixing and dilution pursuant to Section 352.422.
- Exclusions from reasonable potential analysis. This procedure is a statistically based evaluation of the need for WQBEL for toxic substances based on the scientific approaches to toxicity assessment contained within 40 CFR 9, 122, 123, 131, and 132. This procedure is either not amenable to or appropriate for certain pollutants and parameters included in the Lake Michigan Basin water quality standards at 35 Ill. Adm. Code 302.Subpart E. Therefore this procedure shall

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

in 100,000 (10⁻⁵)) for establishing Tier I criteria and Tier II values for combinations of substances exhibiting a carcinogenic or other nonthreshold toxic mechanism. For those discharges containing multiple nonthreshold substances, application of this additive standard shall be consistent with Sections 352.302 and 352.303.

Section 352.302 Values for 2,3,7,8-TCDD Toxicity Equivalence Concentrations

- For discharges in the Lake Michigan basin containing one or more 2,3,7,8-substituted chlorinated dibenzo-*p*-dioxins or 2,3,7,8-substituted dibenzofurans, the 2,3,7,8-TCDD toxicity equivalence concentration (TEC[TCDD]) shall be determined as outlined in subsection (b).
- The values listed in this Table 1 shall be used to determine the 2,3,7,8-TCDD toxicity equivalence concentrations using the following equation:

$$(TEC)[TCDD] = \text{Sigma}(C)[x] (TEF)[x] (BEF)[x]$$

where:

$$\begin{aligned} (TEC)[TCDD] &= 2,3,7,8\text{-TCDD toxicity equivalence concentration in effluent} \\ (C)[x] &= \text{Concentration of total chemical } x \text{ in effluent} \\ (TEF)[x] &= \text{TCDD toxicity equivalency factor for } x \\ (BEF)[x] &= \text{TCDD bioaccumulation equivalency factor for } x \end{aligned}$$

TABLE 1

Congener	TEF	BEF
2,3,7,8-TCDD	1.0	1.0
1,2,3,7,8-PeCdd	0.5	0.9
1,2,3,4,7,8-HxCDD	0.1	0.3
1,2,3,6,7,8-HxCDD	0.1	0.1
1,2,3,7,8,9-HxCDD	0.1	0.1
1,2,3,4,6,7,8-HpCDD	0.01	0.05
OCDD	0.001	0.01
2,3,7,8-TCDF	0.1	0.8
1,2,3,7,8-PeCDF	0.05	0.2
2,3,4,7,8-PeCDF	0.5	1.6
1,2,3,4,7,8-HxCDF	0.1	0.08
1,2,3,6,7,8-HxCDF	0.1	0.2
2,3,4,6,7,8-HxCDF	0.1	0.7
1,2,3,7,8,9-HxCDF	0.1	0.6
1,2,3,4,6,7,8-HpCDF	0.01	0.01
1,2,3,4,7,8,9-HpCDF	0.01	0.4
OCDF	0.001	0.02

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

not be used to establish permit limits for the following substances:

Alkalinity
Ammonia
Bacteria
Chlorine
Color
Dissolved Oxygen
Dissolved Solids
pH
Phosphorus
Temperature
Total and Suspended Solids
Turbidity
Sulfate
Biochemical Oxygen Demand (BOD)
Radioactivity
Boron

Section 352.410 Data Requirements

For a particular application, reasonable potential analysis is primarily based on the effluent quality demonstrated by self-monitoring data, as required by the NPDES permit, or Agency-generated data, such as effluent sampling, facility-related stream studies, or whole effluent toxicity (WET) testing. Effluent data used in derivation of Projected Effluent Quality (PEQ) shall be selected to best represent the concentration and variability of the pollutant in the discharge anticipated for the applicable period of the NPDES permit. Data shall be collected and analyzed in accordance with USEPA or Agency approved sampling and analytical methods. The following criteria will be followed in data selection:

- The most recent five years of data shall be used unless the Agency determines that an alternative period better represents the time period for which effluent quality is being projected. Such alternative time periods may include but are not limited to shorter periods that reflect changed discharge characteristics resulting from changes in manufacturing activities or wastewater treatment systems.
- Data outliers and other anomalies resulting from collection, analysis or recording errors or non-repeatable plant operation or discharge conditions may be eliminated from the data.

Section 352.412 Conversion Factors for Dissolved and Total Metals

- The numeric standards for certain metal parameters in 35 Ill. Adm. Code 302.504 are established as dissolved forms of the substance since the dissolved form more closely relates to the toxicology literature utilized in deriving the standard. However, most discharge monitoring data used in deriving a PEQ will be from a total recoverable

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

analytical method and permit limits if and when established will be set at total recoverable to accommodate the total recoverable analytical method. The Agency will use a conversion factor to determine the amount of total metal corresponding to dissolved metal for each metal with a water quality standard set at dissolved concentration. In the absence of facility specific data the following default conversion factors will be used for both PEQ derivation and establishing WQBELs. The conversion factor represents the portion of the total recoverable metal presumed to be in dissolved form. The conversion values given in the following table are multiplied by the appropriate total recoverable metal concentration to obtain a corresponding dissolved concentration which then may be compared to the acute or chronic standard. A dissolved metal concentration may be divided by the conversion factor to obtain a corresponding total metal value which will generally be the metal form regulated in NPDES permits.

Metal	Conversion Factor	
	Acute Standard	Chronic Standard
Arsenic	1.000	1.000
Cadmium	0.850	0.850
Chromium (Trivalent)	0.316	0.860
Chromium (Hexavalent)	0.982	0.962
Copper	0.960	0.960
Mercury	0.850	0.850
Nickel	0.998	0.997
Selenium	0.922	0.922
Zinc	0.978	0.986

- A permittee may propose an alternate conversion factor for any particular site specific application. The request must contain sufficient site specific data, or other data that is representative of the site, to identify a representative ratio of the dissolved fraction to the total recoverable fraction of the metal in the receiving water body at the edge of the mixing zone. If a site specific conversion factor is approved, that factor will be used for PEQ derivation and establishment of a WQBEL in lieu of its default counterpart in subsection (a) above.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Section 352.421 Estimation of Projected Effluent Quality

a) The first step in determining if a reasonable potential to exceed the water quality standard exists for any particular pollutant parameter is the estimation of the maximum expected effluent concentration for that substance. That estimation will be completed for both acute and chronic exposure periods and is termed the PEQ. The PEQ shall be derived from representative facility specific data to reflect a 95 percent confidence level for the 95th percentile value. These data will be presumed to adhere to a lognormal distribution pattern unless the actual effluent data demonstrates a different distribution pattern. If facility specific data in excess of 10 data values is available, a coefficient of variation that is the ratio of the standard deviation to the arithmetic average shall be calculated by the Agency. The PEQ is derived as the upper bound of a 95 percent confidence bracket around the 95th percentile value through a multiplier from the following table applied to the maximum value in the data set that has its quality assured consistent with Section 352.410 as appropriate for acute and chronic data sets.

PEQ = (maximum data point)(statistical multiplier)

No. Samples	Coefficient of Variation					
	0.1	0.2	0.3	0.4	0.5	0.6
1	1.4	1.9	2.6	3.6	4.7	6.2
2	1.3	1.6	2.0	2.5	3.1	3.8
3	1.2	1.5	1.8	2.1	2.5	3.0
4	1.2	1.4	1.7	1.9	2.2	2.6
5	1.2	1.4	1.6	1.8	2.1	2.3
6	1.1	1.3	1.5	1.7	1.9	2.1
7	1.1	1.3	1.4	1.6	1.8	2.0
8	1.1	1.3	1.4	1.6	1.7	1.9
9	1.1	1.2	1.4	1.5	1.7	1.8
10	1.1	1.2	1.3	1.5	1.6	1.7
11	1.1	1.2	1.3	1.4	1.6	1.7
12	1.1	1.2	1.3	1.4	1.5	1.6
13	1.1	1.2	1.3	1.4	1.5	1.6
14	1.1	1.2	1.3	1.4	1.4	1.5
15	1.1	1.2	1.2	1.3	1.4	1.5
16	1.1	1.1	1.2	1.3	1.4	1.5
17	1.1	1.1	1.2	1.3	1.4	1.5
18	1.1	1.1	1.2	1.3	1.3	1.4
19	1.1	1.1	1.2	1.3	1.3	1.4
20	1.1	1.1	1.2	1.2	1.3	1.4
30	1.0	1.1	1.1	1.1	1.2	1.2
40	1.0	1.1	1.1	1.1	1.1	1.1
50	1.0	1.0	1.0	1.0	1.0	1.0

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

60 or greater 1.0 1.0 1.0 1.0 1.0 1.0 1.0 1.0

	Coefficient of Variation					
	0.8	0.9	1.0	1.1	1.2	1.3
10.1	12.6	15.5	18.7	22.3	26.4	30.5
5.4	6.4	7.4	8.5	9.7	10.9	12.1
4.0	4.6	5.2	5.8	6.5	7.2	8.0
3.3	3.7	4.2	4.6	5.0	5.5	6.0
2.9	3.2	3.6	3.9	4.2	4.5	4.9
2.6	2.9	3.1	3.4	3.7	3.9	4.2
2.4	2.6	2.8	3.1	3.3	3.5	3.7
2.3	2.4	2.6	2.8	3.0	3.2	3.4
2.1	2.3	2.4	2.6	2.8	2.9	3.1
2.0	2.2	2.3	2.4	2.6	2.7	2.8
1.9	2.1	2.2	2.3	2.4	2.5	2.6
1.9	2.0	2.1	2.2	2.3	2.4	2.5
1.8	1.9	2.0	2.1	2.2	2.3	2.4
1.7	1.8	1.9	2.0	2.1	2.2	2.3
1.7	1.8	1.9	2.0	2.1	2.2	2.3
1.6	1.7	1.8	1.9	2.0	2.1	2.2
1.6	1.7	1.8	1.9	2.0	2.1	2.2
1.6	1.6	1.7	1.8	1.9	2.0	2.1
1.5	1.6	1.6	1.7	1.8	1.9	2.0
1.5	1.5	1.6	1.6	1.7	1.8	1.9
1.3	1.3	1.3	1.3	1.4	1.4	1.4
1.1	1.2	1.2	1.2	1.2	1.2	1.2
1.1	1.1	1.1	1.1	1.1	1.1	1.1
1.0	1.0	1.0	1.0	1.0	1.0	1.0

- 1) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.
- 2) If the PEQ is more than the water quality standard, the Agency will proceed to consideration of dilution and mixing pursuant to Section 352.422.

b) If facility-specific data of 10 or less data values is available, an alternative PEQ shall be derived using the table in Section 352.421(a), assuming a coefficient of variation of 0.6, applied to the maximum value in the data set that has its quality assured consistent with Section 352.410.

- 1) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.
- 2) If the PEQ exceeds the water quality standard, an alternative PEQ will be calculated using the maximum value in the data set and a multiplier of 1.4. If the alternative PEQ also exceeds the PEL,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

the Agency will proceed to consider dilution and mixing pursuant to Section 352.422.

- 3) If the PEQ exceeds the water quality standard but the alternative PEQ is less than or equal to the standard, the Agency will either proceed to consider dilution and mixing pursuant to Section 352.422, or will incorporate a monitoring requirement and reopener clause to reassess the potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
- c) The Agency shall compare monthly average effluent data values, when available, with chronic aquatic life, human health and wildlife standards to evaluate the need for monthly average WQBELs. The Agency shall use daily effluent data values to determine whether a potential exists to exceed acute aquatic life water quality standards.
- d) The Agency may apply other scientifically defensible statistical methods for calculating PEQ at the 95(th) percentile value for use in the reasonable potential analysis as provided for in Procedure 5.b.2 of Appendix F to 40 CFR 132.
- e) Regardless of the statistical procedure used, if the PEQ for the parameter is less than or equal to the water quality standard for that parameter, the Agency shall deem the discharge not to have a reasonable potential to exceed, and a water quality based effluent limit (WQBEL) shall not be required unless otherwise required under Section 352.430.

Section 352.422 Dilution Allowance

If the PEQ for a parameter is greater than the particular water quality standard, criteria or value for that parameter, the Agency will assess the level of treatment being provided by the discharger. If the discharger is providing (or will be providing) a level of treatment consistent with the best degree of treatment required by 35 Ill. Adm. Code 304.102(a), the PEQ derived under Section 352.421 shall be compared to a preliminary effluent limitation (PEL) determined by applying an appropriate mixing zone or a default mixing zone to the discharge. Mixing opportunity and dilution credit will be considered as follows:

- a) Discharges to tributaries of the Lake Michigan Basin shall be considered to have no available dilution for either acute or chronic exposures, and the PEL will be set equivalent to the water quality standard unless dilution is documented through a mixing zone study.
- b) Direct discharges to the Open Waters of Lake Michigan shall have a default mixing allowance of 2:1 for acute standards, criteria or values and 10:1 for chronic standards, criteria or values if the discharge configuration indicates that the effluent readily and

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

rapidly mixes with the receiving waters. If ready and rapid mixing is in doubt the Agency shall deny any default dilution or mixing allowance and require a mixing or dispersion study to determine the proper dilution allowance. If the discharger applies for more than the default dilution or mixing allowance, it must submit a mixing or dispersion study to justify its request. Whenever a mixing or dispersion study is available, it shall be used to determine dilution or mixing allowance in lieu of the default allowance.

Section 352.423 Calculation of Preliminary Effluent Limitation

- a) The PEL is calculated in a simple mass balance approach reflecting the dilution allowance established in Section 352.422:

$$WQS = [(Qe)(PEL) + (Qd)(Cd)] / [Qe + Qd]$$

or

$$PEL = [WQS(Qe + Qd) - (Qd)(Cd)] / Qe$$

where:

WQS = applicable water quality standard, criteria or value

Qe = effluent flowrate

Qd = allowable dilution flowrate

Cd = background pollutant concentration in dilution water

- b) The representative background concentration of pollutants to develop TMDLs and WLAs calculated in the absence of a TMDL shall be established as follows:

- 1) "Background" represents all pollutant loadings, specifically loadings that:
 - A) Flow from upstream waters into the specified watershed, water body, or water body segment for which a TMDL or WLA in the absence of a TMDL is being developed.
 - B) Enter the specified watershed, water body, or water body segment through atmospheric deposition, chemical reaction, or sediment release or resuspension.

- 2) When determining what available data are acceptable for use in calculating background, the Agency shall use its best professional judgment, including consideration of the sampling location and the reliability of the data through comparison, in part, to detection and quantification levels. When data in more than 1 of the data sets or categories described in subsection (3) of this subsection (b) exists, best professional judgment shall be used to select the data that most accurately reflects or estimates background concentrations. Pollutant degradation and transport information may be considered when using pollutant loading data to estimate a water column concentration.
- 3) The representative background concentration for a pollutant in the specified watershed, water body, or water body segment shall

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

be established as the geometric mean of acceptable water column data or water column concentrations estimated through the use of acceptable or projected pollutant loading data. When determining the geometric mean of the data for a pollutant that includes values both above and below the detection level, values less than the detection level shall be assumed to be present at 1/2 of the detection level if the detection level is less than the lowest water quality value for that pollutant. If all of the acceptable data in a data set are below the detection level for a pollutant, then all the data for the pollutant in that data set shall be assumed to be zero. If the detection level of the available data is greater than the lowest water quality value for the pollutant, then the background concentration will be determined by the Agency on a case-by-case basis after considering all representative data, including acceptable fish tissue data.

Section 352.424 Determination of Reasonable Potential

- a) If the PEQ is less than or equal to the PEL, it will be concluded that there is no reasonable potential to exceed. Under such circumstances a permit limit for that contaminant will not be set unless otherwise justified under one or more provisions of Section 352.430.
- b) If the PEQ is greater than the PEL, and the PEQ was calculated using a data set of more than 10 values, a water quality based effluent limitation (WQBEL) will be included in the permit. If the PEQ was calculated using a data set of less than or equal to 10 values, and the alternative PEQ calculated under Section 352.421(b) also exceeds the PEL, a WQBEL will be included in the permit.
- c) If the PEQ was calculated using a data set of less than or equal to 10 values, and the PEQ is greater than the PEL but the alternative PEQ is less than the PEL, the Agency will either establish a WQBEL in the permit or incorporate a monitoring requirement and reopen clause to reassess potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
- d) The WQBEL will be set at the PEL, unless the PEL is appropriately modified to reflect credit for intake pollutants when the discharged water originates in the same water body to which it is being discharged. Consideration of intake credit will be limited to the provisions of Section 352.425.
- e) The reasonable potential analysis shall be completed separately for acute and chronic aquatic life effects. When WQBELs are based on acute impacts, the limit will be expressed as a daily maximum. When the WQBEL is based on chronic effects, the limit will be expressed as a monthly average. Human health and wildlife based WQBELs will be

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

expressed as monthly averages. If circumstances warrant, the Agency shall consider alternatives to daily and monthly limits.

Section 352.425 Intake Credits

- a) 35 Ill. Adm. Code 304.105 provides that no effluent may cause or contribute to a violation of a water quality standard but Section 304.103 provides that it is not the intent of 35 Ill. Adm. Code 304 to clean up contamination caused by upstream sources or incidental traces of contaminants. If a discharge contains a toxic substance solely due to its presence in intake water from the same water body receiving the discharge, the Agency may determine there is no reasonable potential for that discharge to cause or contribute to an exceedance for that substance and therefore not establish a WQBEL in the permit. Agency application of such intake credits will be restricted to the following conditions:
 - 1) 100% of the water comprising the discharge is withdrawn from the same body of water that receives the discharge.
 - 2) The permittee does not contribute any additional mass of the identified intake toxic substance to its discharge.
 - 3) The permittee does not alter the identified intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the substance were left in the water body.
 - 4) The discharge does not result in an increase above the intake concentration at any applicable point below the discharge outside a mixing zone unless such increase does not cause an excursion above the applicable water quality standard, criteria or value.
 - 5) The timing and location of the discharge would not cause adverse impacts to occur that would not occur if the substance were left in the water body.
- b) If the source water contains a pollutant at a concentration in excess of an applicable water quality standard, criteria or value and there is some net addition of that parameter due to activities or operations of the permittee or source tributary to the discharge, the Agency will restrict intake credits to the following circumstances:
 - 1) The Agency will establish permit limits allowing no greater discharge than the concentration and mass present in the intake water as a "no net increase limit".
 - 2) Intake credit will only be allowed for that portion of intake pollutant loading present in source water withdrawn from the same body of water receiving the discharge. If any of the intake pollutant is removed through a water treatment process prior to utilization by the permittee, intake credit will be restricted to the concentration and mass emerging from the water treatment process.
 - 3) Any permits incorporating "no net increase" provisions must include notice to the permittee that current federal guidance

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

prohibits allowance of such limits after March 23, 2007. The permit need not include an expiration date at the time of issuance but must give fair warning that continuation in future permit renewals is questionable due to anticipated federal requirements. The sunset of "no net increase" allowances after March 23, 2007 is mandated in USEPA's Water Quality Guidance for the Great Lakes System, 60 FR 15366, March 23, 1995. The preamble to this guidance contains a commitment from USEPA to reconsider this requirement by March 23, 2002 with the possibility of extending or deleting this deadline.

4) If a facility's treatment system under proper operation and maintenance results in removal of the intake pollutant of concern to a discharge level that is below the level in the intake water, the Agency will establish effluent limits that reflect the lower mass and concentration of the pollutant achievable and feasible by such treatment.

5) The issuance of a permit incorporating "no net increase" provisions shall not affect or modify the requirement of 35 Ill. Adm. Code 304.103, that effluent standards in 35 Ill. Adm. Code 304 must be complied with without subtracting background concentrations, except that compliance with those standards is not required when effluent concentrations for the facility in excess of the standard result entirely from evaporation or incidental traces of materials not utilized or produced in the activity.

c) When, pursuant to 35 Ill. Adm. Code 352.425(a), the Agency declines to establish a WQBEL that would otherwise be warranted under other provisions of this Part, the permit shall contain requirements sufficient to demonstrate that the terms of subsection (a) of this Section are being maintained. Appropriate permit requirements may include influent, effluent and ambient monitoring, and a reopening clause authorizing modification or revocation and reissuance if new information demonstrates that intake credit is no longer justified.

Section 352.430 Instances Requiring Effluent Limits, Other Conditions, or Additional Data

The Agency will consider the following factors when determining whether further data needs to be gathered in order to decide if a reasonable potential to exceed water quality standards exists. These factors may also warrant inclusion of a permit limit for a substance or substances that do not display a reasonable potential to exceed through the analysis of Sections 352.420 through 352.425.

- a) The facility's effluent is subject to federal categorical limits under 40 CFR 405 through 471 for the substance.
- b) A substance(s) is present in the raw wastewater in significant quantities such that treatment at the facility is designed to remove that substance.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

c) A substance is discharged in quantities that are sufficient to warrant limits in the permit due to batch or highly variable waste generation processes wherein substances are potentially discharged infrequently or sporadically and therefore may avoid detection by intermittent sampling of the final effluent.

d) The facility has a record of spill events involving certain substances and there is evidence that those substances are discharged in quantities that are sufficient to merit inclusion of permit limits.

e) Historical information or the knowledge of Agency field inspectors indicate that a potential for discharge of a substance exists and there is evidence that the substance would be discharged in quantities sufficient to merit inclusion of permit limits.

f) For each pollutant listed in Table 6 to 40 CFR 132 (1996) which a permittee reports as known or believed to be present in its discharge and for which data sufficient to calculate tier II values for noncancer human health and aquatic life do not exist all of the following provisions apply:

- 1) The Agency shall use all available, relevant toxicity information to estimate ambient screening values for the pollutant that will protect humans from noncancer health effects and aquatic life from acute and chronic effects.
- 2) Using the provisions specified in Section 352.423, the Agency shall develop a PEL based on the estimated ambient screening value as determined in subsection (f)(1) of this Section, and compare the PEL with the PEQ. If the PEQ exceeds the PEL, then the Agency shall generate the minimum data necessary to derive tier II values for noncancer human health and aquatic life.
- 3) The data generated in accordance with subsection (f)(2) of this Section shall be used to calculate water quality values. The values shall be used in calculating a PEL pursuant to Section 352.423 for the purpose of determining whether a WQBEL must be included in the permit. If the Agency finds that the PEQ exceeds the PEL, the Agency shall follow the procedures under Section 352.424 to determine whether a WQBEL must be established in the permit.

Section 352.440 Special Provisions for Noncontact Cooling Water

Notwithstanding the other provisions of this Part, the Agency will not impose WQBELs for a discharge consisting solely of once through noncontact cooling water withdrawn entirely from the same body of water receiving the discharge, except in accordance with the following:

- a) The Agency may require a WQBEL based on an acute aquatic criterion for a substance of acute whole effluent toxicity when information is available indicating that such a limit is necessary to protect aquatic life, unless the discharger is able to demonstrate that the presence of the substance or WET is due solely to its presence in the intake water.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- b) If a substance is present at elevated levels in the noncontact cooling water wastestream due to improper operation or maintenance of the cooling system, and this substance is or may be discharged at a level that will cause or contribute to an excursion above a numeric standard, criterion or value for a toxic substance as determined under this Part, a WQBEL shall be established for that substance.
- c) If the permittee uses or proposes to use additives in the noncontact cooling water, the additives shall be evaluated using the reasonable potential procedures of this Part to determine whether WQBELs are necessary for the wastestream.
- d) If the noncontact cooling water is blended with other wastestreams prior to final discharge, the provisions of this Section are restricted to the noncontact cooling wastestream and any permit limitations on the other commingling wastestreams shall include internal monitoring points or other appropriate methods to assess compliance prior to blending.

SUBPART E: APPLICATION OF WHOLE EFFLUENT TOXICITY REQUIREMENTS

Section 352.500 Procedures for Establishing Permit Limits and Special Provisions for the Potential to Exceed Determination

35 Ill. Adm. Code 302.540 prohibits the presence of a substance or combination of substances that produces an acute or chronic aquatic life toxic condition at any applicable location within any water body of the Lake Michigan Basin. The "combination of substances" terminology includes effluent discharges. Except as provided through the mixing zone regulations of 35 Ill. Adm. Code 302.102 this toxicity standard applies at all points within the Lake Michigan Basin. The Agency shall apply the aquatic life toxicity standard to whole effluents as follows:

- a) No effluent shall cause an exceedance of 0.3 acute toxicity unit (TU[a]) outside a Zone of Initial Dilution (ZID) issued pursuant to 35 Ill. Adm. Code 302.102(e); except that no acute whole effluent toxicity permit limit shall be more restrictive than 1.0 TU[a] at the point of discharge.
- b) No effluent shall cause an exceedance of 1.0 chronic toxicity unit (TU[c]) in any waters of the Lake Michigan Basin except as provided in mixing zone provisions of 35 Ill. Adm. Code 302.102 and 302.530.

Section 352.520 Whole Effluent Toxicity Data

When assessing reasonable potential to exceed, WET data shall be characterized consistent with the following:

- a) When multiple acute toxicity values for individual species are available for a single day, those values shall be averaged to represent one daily value. The maximum of all representative daily values for the most sensitive species tested shall be used for determination of potential to exceed the acute toxicity standard.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- b) When multiple chronic toxicity values for individual species are available for a single calendar month, those values shall be averaged to represent one monthly value. The maximum of all representative monthly values for the most sensitive species tested shall be used for determination of reasonable potential to exceed the chronic toxicity standard.
- c) When there is insufficient WET data to adequately characterize the toxicity of the effluent to aquatic life, in lieu of a WET limit the Agency will include one or both of the following provisions in the permit:
- 1) WET testing requirements to generate sufficient data to adequately characterize the toxicity of the effluent;
 - 2) A permit reopener clause which authorizes the Agency, based upon the results of the WET tests required under subsection (c)(1), to establish toxicity reduction evaluation requirements, or WET limits, or both, if necessary to meet the toxicity standard, and a compliance schedule if appropriate.

Section 352.530 Estimation of Projected Effluent Quality (PEQ)

A minimum of five representative toxicity tests is necessary to calculate a PEQ. If less than five test results are available and there is evidence that effluent toxicity may exist, additional toxicity testing shall be required consistent with Section 352.520(c). Whenever sufficient data exists, the PEQ is estimated to be the maximum representative value determined from Section 352.520(a) and (b), expressed in terms of acute and chronic toxicity units (TU[a] & TU[c]) increased by a multiplying factor from the table in Section 352.421. If more than 10 facility specific data values are available, and the PEQ is more than either 1.0 TU[a] or 1.0 TU[c], the Agency will proceed to consideration of dilution and mixing under Section 352.540 for the relevant effect (acute, chronic, or both). If less than 10 facility specific data values are available, and the PEQ is more than either 1.0 TU[a] or 1.0 TU[c], the Agency will follow the process set forth in Section 352.421(b) to determine whether to proceed to Section 352.540. If the PEQ is less than or equal to 1.0 TU[a] or less than or equal to 1.0 TU[c], no WET limit will be established in the permit for the relevant standard.

Section 352.540 Calculation of Preliminary Effluent Limitation (PEL)

If the PEQ is more than either 1.0 TU[a] or 1.0 TU[c], or as otherwise provided in Section 352.530, the Agency will determine eligibility for a dilution allowance consistent with Section 352.422. The preliminary effluent limitation (PEL) expressed in terms of acute and chronic toxicity units (TU[a] and TU[c]) shall be calculated pursuant to Section 352.423. Unless there is data indicating otherwise, the pollutant concentration in the background water (Cd) will be assumed to be zero.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Section 352.550 Establishing Whole Effluent Toxicity Conditions

- a) If the PEQ derived from Section 352.530 is less than or equal to the PEL calculated in Section 352.540, it will be concluded that there is no reasonable potential to exceed. Under such circumstances a permit limit will not be set unless otherwise justified under one or more provisions of Section 352.430.
- b) If the PEQ is greater than the PEL, and more than 10 facility specific data values were used in deriving the PEQ, either a whole effluent toxicity limit will be incorporated into the permit or the causative toxic substances will be limited consistent with Subpart D of this Part.
- c) If 10 or fewer data values were used in deriving the PEQ, the Agency will calculate an alternative PEQ, using the method specified in Section 352.421(b). If the alternative PEQ is greater than the PEL, appropriate limits will be incorporated into the permit, as in the situation where more than 10 data values are available. If the alternative PEQ is less than or equal to the PEL, the Agency will either establish appropriate limits in the permit or incorporate a monitoring requirement and reopen clause to reassess the potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
- d) It is the preference of the Agency to limit the individual toxic substances producing the toxicity whenever they can be identified. Therefore whole effluent toxicity limits will not be imposed whenever the toxicity can be resolved by regulating individual substances. If, however, a WET limit is necessary, the limit will be set at the PEL calculated pursuant to Section 352.540. If compliance cannot be achieved upon permit issuance, the permit may also include requirements for a toxicity reduction evaluation program, interim discharge limits and a compliance schedule.

SUBPART F: MASS LOADING LIMITS

Section 352.600 Mass Loading Limits

Whenever a water quality based effluent limitation (WQBEL) is established in a permit, the WQBEL shall be expressed as both a concentration value and a corresponding mass loading rate.

- a) Both mass and concentration limits shall be based on the same permit averaging periods such as daily or monthly averages, or in other appropriate permit averaging periods.
- b) The mass based WQBEL shall be calculated using effluent flow rates that are the same as those used in establishing the

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- c) concentration-based WQBEL.
Mass load limits are not required for parameters which cannot be appropriately expressed in terms of mass as listed below:

pH
temperature
radiation
bacteria
dissolved oxygen

- d) Discharges that are subject to substantial flow variation such as wet weather flows or varied production schedules may have mass limits established in a tiered fashion coinciding with different flow regimes. Typically two tiered mass limits will be established. One set shall be based on dry-weather effluent flowrate and the appropriate stream design flow. The second mass limit shall be based on effluent and stream flowrates representative of wet weather conditions.

SUBPART G: EFFLUENT LIMITS BELOW THE LEVEL OF QUANTIFICATION

Section 352.700 Water Quality Based Effluent Limits Below Detection or Quantification

- a) When a WQBEL for a toxic substance is calculated to be less than the quantification level, the permit shall include a discharge limit, method and quantification level consistent with the following:
 - 1) The permit shall include the WQBEL as calculated.
 - 2) The permit shall specify the most sensitive applicable analytical method adopted by the Board and contained in or approved under 40 CFR 136, or other appropriate method adopted by the Board if one is not available under 40 CFR 136. The analytical method adopted by the Board and specified in the permit shall be the method used for compliance assessment including enforcement actions.
 - 3) The permit shall also identify the quantification level that can be achieved with the method specified pursuant to subsection (a)(2). That quantification level shall be the minimum level (ML) specified in or approved under 40 CFR 136 for the selected method for the toxic substance. If no such ML exists, or if the method is not specified or approved under 40 CFR 136, the quantification level shall be the lowest quantifiable level practicable. In determining the practicability of a method, the Agency shall consider achievability of the identified detection level by competent commercial laboratories.
 - 4) A higher quantification level may be established if demonstrated to be appropriate due to effluent-specific matrix interference. The Agency may consider alternative methods adopted by the Board for deriving quantification levels if those methods are demonstrated to be scientifically defensible.
- b) The permit shall include a condition requiring the permittee to develop and conduct a pollutant minimization program (PMP) for each

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

pollutant with a WQBEL below the quantification level, unless the permittee can demonstrate that an alternative technique is adequate to assess compliance with the WQBEL. The goal of the PMP shall be to attain and maintain the discharge at or below the WQBEL. The PMP shall include but is not limited to the following:

- 1) An annual review of potential sources of the toxic substance;
 - 2) Periodic monitoring as necessary in order to assess progress toward the goal of the PMP;
 - 3) Implementation of appropriate cost-effective control measures at the earliest practicable time after sources are identified; and
 - 4) Submittal of an annual, unless otherwise specified in the permit, status report containing all minimization program monitoring results of the reporting period, a listing of potential sources of the toxic substance, a summary of all actions and control measures taken to reduce or eliminate the identified sources of the toxic substance and an overview of anticipated future steps in the PMP.
- c) The permit may contain a condition requiring fish tissue monitoring, other bio-uptake sampling, facility sludge monitoring, or a combination of such sampling as necessary to assess the progress of the PMP.
- d) The permit shall contain a reopening clause providing for subsequent modification or revocation and reissuance of the permit as warranted by the results of the PMP pursuant to subsection (b), or the availability of new or alternative analytical methods. Such modification or reissuance may accommodate more or less frequent monitoring, a new alternative analytical method or quantification level, or both if appropriate and consistent with subsection (a)(3), or modification or removal of the PMP.

SUBPART H: COMPLIANCE SCHEDULES

Section 352.800 Compliance Schedules

Section 39(b) of the Environmental Protection Act [415 ILCS 5/39(b)] and 35 Ill. Adm. Code 309.148 authorize the Agency to establish schedules of compliance in NPDES permits for a number of circumstances, including a discharge that is not in compliance with applicable water quality standards. NPDES permits with compliance schedules within the Lake Michigan Basin shall be issued according to the following procedures:

- a) No delayed compliance dates may be included for new discharges within the basin. Permits issued on or after February 20, 1998 that contain a water quality based effluent limit (WQBEL) shall require compliance with the WQBEL upon commencement of the discharge.
- b) Any existing permit reissued or modified after February 20, 1998 that contains a new or more restrictive WQBEL shall allow a reasonable period of time, up to five years after the date of permit issuance or modification, for the permittee to comply with that limit.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- c) If the compliance schedule established under subsection (b) extends beyond one year after the date of permit issuance or modification, the schedule shall set forth interim requirements and dates for their achievement as appropriate.
- d) Whenever a WQBEL for a toxic substance based on a Tier II value derived pursuant to 35 Ill. Adm. Code 302.563 or 302.565(b) is included in a reissued or modified permit for an existing discharge, the permit shall provide a reasonable period of time, up to two years, to acquire additional data necessary to develop a Tier I criteria or to modify the Tier II value. In such cases, the permit shall require compliance with the Tier II limitation within a reasonable period of time, consistent with subsections (e) and (f) below and contain a reopening clause consistent with subsection (e).
- e) The reopening clause referenced in subsection (d) shall authorize permit modifications if additional data become available during the time allowed which demonstrates that a revised WQBEL is appropriate. The revised WQBEL shall be incorporated through permit modification and a reasonable time period, up to five years after the date of permit modification, shall be allowed for compliance. If incorporated prior to the compliance date of the original Tier II limitation, any such revised limit shall not be considered less stringent for purposes of the anti-backsliding provisions of Section 402(o) of the Clean Water Act.
- f) If a revised WQBEL is not demonstrated to be appropriate during the time period allowed to collect additional data and derive a Tier I criteria or revised Tier II value, the Agency may provide a reasonable additional period of time, not to exceed five years after the end of the data collection period, to achieve compliance with the original effluent limitation.

SUBPART I: ANTIDEGRADATION PROVISIONS FOR BIOACCUMULATIVE CHEMICALS OF CONCERN

Section 352.900 Antidegradation Provisions for Bioaccumulative Chemicals of Concern (BCCs)

Whenever a new or increased loading of any BCC is proposed from an existing or new facility or activity, either point or nonpoint source, that is subject to NPDES permitting, Clean Water Act Section 401 water quality certification, or Lake Michigan dredge and fill permits under Section 39(n) of the Illinois Environmental Protection Act [415 ILCS 5/39(n)], the Agency shall require an antidegradation demonstration.

- a) Exceptions
 - 1) Changes in loading of a BCC within the existing capacity and processes that are covered by the existing permit including but not limited to:
 - A) Normal operational variability including but not limited to intermittent increased discharges due to wet weather conditions;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- B) Changes in intake water pollutants not caused by the discharger;
 - C) Increasing the production hours of the facility;
 - D) Increasing the rate of production.
- 2) New limits for an existing permitted discharge or activity that are not the result of changes in pollutant loading, and will not allow an increase in pollutant loading, including new limits that are a result of the following:
 - A) New or improved monitoring data;
 - B) New or improved analytical methods;
 - C) New or modified water quality criteria or values;
 - D) New or modified effluent limitations guidelines, pretreatment standards, or control requirements for POTWs.
 - 3) Those actions listed in 35 Ill. Adm. Code 302.512(c), if determined to be exempt by the Agency, including:
 - A) Short term, temporary consisting of weeks or months lowering of water quality;
 - B) Bypasses that are not prohibited at 40 CFR 122.41(m); and
 - C) Response actions pursuant to the Comprehensive Environmental Response and Liability Act (CERCLA), as amended, or similar federal or State authority undertaken to alleviate a release into the environment of hazardous substances, pollutants or contaminants which may pose an imminent and substantial danger to public welfare.
- b) Antidegradation Demonstrations
- 1) An entity seeking new or increased loading allowance for a BCC into the Lake Michigan Basin must complete and submit an antidegradation demonstration adequate to substantiate the important economic or social development expected to result and to specify the pollutant minimization plan to accompany any allowable increase in BCC loading for Agency review. The Agency will consult with such entities regarding the scope of the demonstration if requested. A demonstration will address the following elements pertaining to anticipated important economic and social development:
 - A) The extent to which employment will be increased in the area;
 - B) The extent to which production levels will increase in the area;
 - C) The extent to which the proposed change will avoid otherwise anticipated reduction in employment or production levels;
 - D) The extent to which the activity will be providing economic or social benefit to the area;
 - E) The extent to which the activity will be correcting an environmental or public health problem.
 - 2) The demonstration must also address the sources of the BCC and include a comprehensive assessment of pollution prevention alternatives and alternative or enhanced treatment techniques.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

This analysis and any other relevant information will form the basis for a pollutant minimization plan to accompany any permissible increased loading allowance.

If the Agency tentatively determines that increased BCC loading is allowable pursuant to 35 Ill. Adm. Code 302.520(a), such determination, including any conditions of the allowance such as but not limited to pollutant minimization steps, monitoring and reporting requirements, and special restrictions on operation, shall be fully described and subject to the public notice provisions of 35 Ill. Adm. Code 309 for NPDES permits, 35 Ill. Adm. Code 395 and the federal procedures established for the issuance of Clean Water Act Section 404 permits, or the procedures of Section 18 of the Rivers, Lakes and Streams Act [615 ILCS 5/18] for permits under Section 39(n) of the Illinois Environmental Protection Act [415 ILCS 5/39(n)]. Final action that would approve increased BCC loading shall not be taken until completion of the public participation process.

3)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Numbers: Adopted Action:
 3000.100 Amended
 3000.150 Amended
 3000.220 Amended
 3000.221 New
 3000.405 Amended
 3000.410 Amended
 3000.600 Amended
 3000.660 Amended
 3000.1070 Amended
 3000.1125 Amended
 3000.1126 Amended
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) Effective Date of Amendments: February 20, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 18, 1998
- 9) Notice of Proposal Published in Illinois Register: October 10, 1997; 21 Ill. Reg. 13444

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version: Several editing and technical revisions of a nonsubstantive nature were made in accordance with suggestions made by the Administrative Code Unit and JCAR. More substantive changes, summarized below, were made in response to public comment and JCAR.

The definition of "Junketeer" in Section 3000.100 was amended at the request of JCAR. The agency has reservations about the definition and intends to address these concerns in a future rulemaking. Section 3000.221 (c) was amended by inserting a phrase at the end to clarify when trust forms should be submitted by licensees and key persons. Section 3000.405 (f) and Section 3000.1126 (b) were entirely rewritten to (1) authorize a party in an administrative hearing to move that the Gaming Board disqualify the hearing officer for bias or conflict of interest, (2) establish procedures and grounds for such motions, and (3) specify the reasons for denial of such motions are part of the administrative record.

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes
- Section Number Proposed Action Illinois Register Citation
 3000.1071 Amendment 22 Ill. Reg. 93; 1/2/98
- 15) Summary and Purpose of Amendments: The changes in the definition of "Junketeer" and the addition of "Marketing Agent" were intended to assure effective and appropriate regulatory oversight without the burden and cost of supplier licensure unless required by the nature of the relationship between the owner and the junketeer. A junketeer must obtain a supplier license. The use of match play coupons accompanied by a chip wager is authorized in table games. Machine generated jackpot payment tickets are allowed in numeric form, and only tips to dealers in the form of currency are prohibited.
- New provisions are added for disqualifying a hearing officer due to bias or conflict of interest, as required by Section 10 - 30 (b) of the Illinois Administrative Procedure Act. A provision purporting to authorize a hearing officer to permit the practice of law in Illinois by a person not licensed by the Illinois Supreme Court, or admitted on motion by the courts, is deleted.

- 16) Requests for information and questions regarding these adopted amendments shall be directed to:

Sterling M. Ryder
 Assistant Legal Counsel
 Illinois Gaming Board
 101 W. Jefferson St., J-500
 Springfield, IL 62794
 (217) 524-0226
 FAX (217) 785-7541

The full text of the Adopted Amendments begins on the next page:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Licenses Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate Job -Applicants
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.230	Owner's Licenses
3000.231	Distributions
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability
3000.236	Owner's License Renewal
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements - Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR
PLACEMENT ON EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for License or Transfer Upon Filing Request for Hearing

SUBPART E: EXCURSIONS

Section	
3000.500	Time of Excursion
3000.510	Excursions During Cancelled or Disrupted Cruises; Violations and Fines

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

3000.605 Authorized Games
 3000.606 Gaming Positions
 3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices
 3000.614 Tournaments, Enhanced Payouts and Give-aways
 3000.615 Payout Percentage for Electronic Gaming Devices
 3000.616 Cashing-In
 3000.620 Submission of Chips for Review and Approval
 3000.625 Chip Specifications
 3000.630 Primary, Secondary and Reserve Sets of Gaming Chips
 3000.635 Issuance and Use of Tokens for Gaming
 3000.636 Distribution of Coupons for Complimentary Chips and Tokens
 3000.640 Exchange of Chips and Tokens
 3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
 3000.650 Inventory of Chips
 3000.655 Destruction of Chips and Tokens
 3000.660 Minimum Standards for Electronic Gaming Devices
 3000.665 Integrity of Electronic Gaming Devices
 3000.666 Bill Validator Requirements
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section
 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.725 Duty of Licensees
 3000.730 Procedure for Entry of Names
 3000.740 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Riverboat and Board Surveillance Room Requirements
 3000.820 Segregated Telephone Communication
 3000.830 Surveillance Logs
 3000.840 Storage and Retrieval
 3000.850 Dock Site Board Facility
 3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section
 3000.900 Liquor Control Commission
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section
 3000.1000 Ownership Records
 3000.1010 Accounting Records
 3000.1020 Standard Financial and Statistical Records
 3000.1030 Annual and Special Audits and Other Reporting Requirements
 3000.1040 Accounting Controls Within the Cashier's Cage
 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
 3000.1060 Handling of Cash at Gaming Tables
 3000.1070 Tips or Gratuities
 3000.1071 Deposits of Admission Tax and Wagering Tax
 3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section
 3000.1100 Coverage of Subpart
 3000.1105 Duty to Maintain Suitability
 3000.1110 Board Action Against License or Licensee
 3000.1115 Complaint
 3000.1120 Appearances
 3000.1125 Answer
 3000.1126 Appointment of Hearing Officer
 3000.1130 Discovery
 3000.1135 Motions for Summary Disposition
 3000.1139 Subpoena of Witnesses
 3000.1140 Proceedings
 3000.1145 Evidence
 3000.1146 Prohibition of Ex Parte Communication
 3000.1150 Sanctions and Penalties
 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4396, effective **FEB 20 1998**.

SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

For purposes of these Rules the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act. [230 ILCS 10]-

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency, validates the currency, stores the currency, and issues Electronic Credits equal to the value of currency inserted into the device.

"Board": The Illinois Gaming Board.

"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's License for use in Gaming other than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Float": The difference between the total face value of Chips

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Dependent": Any individual ~~individuals~~ who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's ~~license~~ license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Reel-Type, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of these rules.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license ~~license~~ who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license ~~license~~ for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity that who is compensated, by a Riverboat Gaming Operation, depending on how much a patron whose participation in gaming is facilitated by that person or entity actually ~~either~~ wagers or loses while participating in gaming covered by a contract or agreement between the person or entity and the Riverboat Gaming Operation on-or-a-determination-by-the-holder-of--the Owner's license-or-Gaming-Operation-Manager-as-to-the-potential-amount a-patron-will-wager-or-lose.

"Key Person":

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

For a publicly-held Business Entity subject to the Act, "Key Person" shall mean an officer; director; trustee; partner; managing agent; holder of any direct, indirect or beneficial ownership interest of 5% or more of a licensee or other entity subject to the Act; and any person identified by the Board as a person able to control or exercise significant influence over the management or operating policies of a licensee or other entity subject to the Act.

For other than a publicly-held Business Entity subject to the Act, "Key Person" shall mean an officer; director; trustee; partner; managing agent; holder of any direct, indirect or beneficial ownership interest of a licensee or other entity subject to the Act; and any person identified by the Board as a person able to control or exercise significant influence over the management or operating policies of a licensee or other entity subject to the Act.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of \$100 per patron per trip for identifying and recruiting patrons.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Payout": Winnings earned on a wager.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

placed into play or the combined amount of several wagers linked to a common jackpot award.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Signature": The definitive identity of an individual specific EPROM chip, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Supplier": Either a Gaming Operations Manager or a provider of Gaming Equipment, Gaming Equipment maintenance or repair services, security services or lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens wagered which will be returned to players by an Electronic Gaming Device.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's license for use in Gaming.

"Token Dispenser": Any mechanical or electrical device designed for

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Wager": A sum of money or thing of value risked.

(Source: Amended at 22 Ill. Reg. _____, effective FEB 20 1988)

Section 3000.150 Owner's and Supplier's Duty to Investigate Job-Applicants

a) Job Applicants. The holder of an Owner's or Supplier's license shall investigate the background and qualifications of all applicants for jobs which its employees will perform at a Riverboat Gaming Operation. Licensure by the Board may not be relied on as the sole criterion for hiring a job applicant.

b) Marketing Agents.

1) The holder of an Owner's license shall investigate the background of Marketing Agents with whom it intends to have a contractual relationship or enter into an agreement.

2) The holder of an Owner's license has an affirmative duty to avoid agreements or relationships with Marketing Agents whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois, who threaten the integrity of Gaming in Illinois or who discredit or tend to discredit the Illinois Gaming industry or the State of Illinois.

3) The holder of an Owner's license shall receive the prior approval of the Administrator for use of each Marketing Agent; and

4) Any agreement between the holder of an Owner's license and a Marketing Agent shall contain a cancellation clause that allows termination of the agreement in the event that the Administrator or holder of an Owner's license finds that the contractual relationship fails to meet the requirements of this subsection (b).

(Source: Amended FEB 20 1988 at 22 Ill. Reg. _____, effective _____)

SUBPART B: LICENSES

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 3000.220 Applications

- a) Application Forms. Application forms shall be submitted by applicants as provided in this Section.

1) Owner's License license. Owner's License license Application Form and Business Entity Form or Personal Disclosure Form 1 for each of the applicant's Key Persons, or any other principal or investor as the Board may require.

2) Supplier's License. Supplier's License Application Form and Business Entity Form or Personal Disclosure Form 1 for each of the applicant's Key Persons, or any other principal or investor as the Board may require.

3) Occupation License, Level 1. Personal Disclosure Form 1.

4) Occupation License, Level 2. Personal Disclosure Form 2.

5) Occupation License, Level 3. Personal Disclosure Form 3.

- b) Additional or Different Forms or Materials. An applicant may be required to submit forms or materials in addition to those listed in subsection (a).

- c) Application Procedures

1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism or other action, or financial loss which may occur in connection with the application process.

2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.

3) Application forms and requested materials shall be submitted in triplicate. Application forms and requested materials for Owner's and Supplier's licenses shall be submitted in bound form.

4) Applicants for Occupation licenses licenses shall be photographed and fingerprinted at the time of application at a place designated by the Administrator.

5) An application shall be deemed filed when the completed application form, including all required documents and materials, and the application fee have been submitted.

- d) Amendments and Incorporation by Reference

1) An application may be amended only upon leave of the Board.

2) The Board may allow information, documents, or other materials submitted by an applicant to be incorporated by reference into a subsequent application.

- e) Withdrawal of Applications.

1) An Owner's or Supplier's application may be withdrawn only upon leave of the Board.

A) A request for leave to withdraw an application for an Owner's license shall not be considered by the Board unless received prior to Board action regarding a finding of preliminary suitability under Section 300.230(c). However, applicants who have been found preliminarily suitable may

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

seek leave to withdraw after such finding.

- B) A request for leave to withdraw an application for a Supplier's license shall not be considered by the Board unless received prior to Board action on licensure under Section 3000.240.

C) The Board may deny leave to withdraw an Owner's or Supplier's application if it determines that withdrawal of the application would not be in the best interests of the public and the Gaming industry.

2) If an application for an Owner's or Supplier's license license is withdrawn, the applicant may not reapply for a license within one (1) year from the date withdrawal is granted, without leave of the Board.

3) Applications for Occupational licenses may be withdrawn without leave of the Board, if written notification of withdrawal is received prior to Board action on licensure under Section 3000.245 and unless the intended withdrawal is objected to by the Administrator in which case leave of the Board is required.

(Source: Amended at 22 Ill. Reg. effective FEB 20 1998)

Section 3000.221 Other Required Forms

a) Marketing Agent Forms. The holder of an Owner's license shall complete and submit a Marketing Agent Form provided by the Board, or the information requested therein, to the Board for each Marketing Agent with whom it intends to do business.

b) Institutional Investor Disclosure Form. Institutional Investors are required to submit the Institutional Investor Disclosure Form as provided under Section 3000.234.

c) Trust Identification and Disclosure Forms. Key Persons of applicants for or holders of an Owner's or Supplier's license and applicants for or holders of an Occupational Level One license shall submit applicable Trust Identification Forms and Trust Disclosure Forms for trusts, excluding land trusts, for which they are a grantor, trustee or beneficiary each time such a trust relationship is established, amended or terminated.

(Source: Added at 22 Ill. Reg. effective FEB 20 1998)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section 3000.405 Requests for Hearings

- a) All requests for hearings must:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Be in writing;
- 2) State the name, current address and current telephone number of the petitioner; and
- 3) State in detail the reasons why and the facts upon which the petitioner will rely to show, in cases involving licensing or transfer of ownership, that the petitioner is suitable for licensure or transfer, including specific responses to any facts enumerated in the Board's Notice of Denial. In matters involving exclusion, the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why he should not be excluded. In matters involving restriction of licensure the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why the license should not be restricted.
- 4) All requests for hearings must be verified. Such verification shall be notarized and shall include a certification in the following form:
The undersigned certifies that the statements set forth in this request for hearing are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.
- b) A request for hearing must be submitted within five days after the date of delivery of the Notice of Denial or Restriction of license. A request for hearing must be submitted within 30 days after the date of delivery of Notice of Exclusion.

1) The petitioner may submit a request for hearing by:

- A) Personal Delivery;
- B) Certified Mail, postage prepaid; or
- C) Overnight express mail, postage prepaid.
- 2) All requests for hearings must be submitted to the Administrator, with a copy sent to the Chief Legal Counsel at the Board's offices in either Springfield or Cook County.
- 3) A request for hearing submitted by certified mail or overnight express mail shall be deemed timely submitted if it is postmarked no later than five days after date of delivery of a Notice of Denial or Restriction in accordance with the Act, or 30 days after service of the Notice of Exclusion.
- c) A request for hearing should be deemed granted, unless denied. The Board may deny a request for hearing if the statement of reasons and facts which it contains does not establish a prima facie case or fails to comply with any of the other requirements of subsection (a) or (b) of this Section. The Board's denial of a request for hearing is a final decision, and the denial or restriction of licensure, denial of ownership transfer, or the order of exclusion becomes a final order on the date the Board denies the request for hearing.
- d) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

the best interests of the public and the Gaming industry. If the Board allows a petitioner an applicant to withdraw a hearing request, the initial denial or restriction of license or the order of exclusion becomes a final Board order on the date leave to withdraw is granted. If the Petitioner does not prosecute his case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in the entry of a default judgment against Petitioner. The Chairman of the Board may appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may appoint the an Administrative Law Judge to conduct a hearing in accordance with this Subpart. The petitioner will be copied on the letter of appointment and such letter will serve as notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof.

f) If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the petitioner setting forth the specific grounds for disqualification. The petitioner shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the petitioner or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the petitioner in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself or herself upon determining that bias or conflict of interest exists. Grounds for disqualification of an Administrative Law Judge shall include, but not be limited to:

- 1) Financial interest or pecuniary benefit derived from the gaming industry;
 - 2) Personal friendship with any of the parties, witnesses or attorneys involved;
 - 3) Past representation of any of the parties or witnesses involved; and
 - 4) Demonstrable pre-disposition on the issues.
- If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

(Source: Amended FEB 20 1988 22 Ill. Reg. 20.00, effective)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 3000.410 Appearances

- a) A petitioner may be represented by an attorney who is licensed in Illinois. All attorneys who appear in a representative capacity on behalf of a petitioner must file written notice of appearance setting forth:
- 1) The name, address and telephone number of the attorney(s);
 - 2) The name and address of the petitioner represented; and
 - 3) An affirmative statement indicating that the attorney is licensed in Illinois.
- b) Only individual attorneys may file appearances. Any petitioner's attorney who has not filed an appearance may not address the hearing officer or sign pleadings.
- c) ~~A member in good standing of the bar of the highest court of any state or of any United States District Court may, upon motion, be permitted to argue or conduct a hearing in whole or in part.~~
- d) An attorney may only withdraw his appearance upon written notice to the hearing officer.
- e) A petitioner may appear on his own behalf.
- f) A partnership may be represented by a partner.

(Source: Amended at 22 Ill. Reg. _____, effective
FEB 26 1993)

SUBPART F: CONDUCT OF GAMING

Section 3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards

- a) Except as provided in subsection (b) of this Section, Riverboat Gaming Wagers may be made only with Chips, Tokens or Electronic Cards approved by the Administrator and purchased from a holder of an Owner's license license. Such Chips, Tokens or Electronic Cards may only be used as set forth in the owner licensee's Internal Control System. At the patron's option, Electronic Credits may either be used as a Wager on an Electronic Gaming Device or be withdrawn in the form of Tokens from the Electronic Gaming Device.
- b) Riverboat Gaming Wagers may be made with match play coupons issued by the holder of an Owner's license and approved by the Administrator. Such match play coupons may only be used in conjunction with the Wager of a Chip as set forth in the owner licensee's Internal Control System.

(Source: Amended FEB 26 1993 at 22 Ill. Reg. _____, effective
FEB 26 1993)

Section 3000.660 Minimum Standards for Electronic Gaming Devices

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Electronic Gaming Devices shall pay out a mathematically demonstrable percentage of all amounts wagered, which must not be less than 80%, nor more than 100% unless otherwise approved by the Administrator. Electronic Gaming Devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.
- b) Electronic Gaming Devices shall:
- 1) Be controlled by a microprocessor or the equivalent;
 - 2) Be compatible to on-line data monitoring;
 - 3) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM;
 - 4) Be able to continue a Game with no data loss after a power failure;
 - 5) Have previous and current Game data recall;
 - 6) Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any previous Game outcome, the amount wagered, or upon the style or method of play;
 - 7) Clearly display applicable rules of play and the payout schedule;
 - 8) Display an accurate representation of each Game outcome. After selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result shown to the player;
 - 9) Have a complete set of nonvolatile meters including Tokens-in, Tokens-out, Tokens dropped and jackpots paid;
 - 10) Make available for random selection at the initiation of each play each possible permutation or combination of Game elements which produce winning or losing Game outcomes; and
 - 11) Not automatically alter pay-tables or any function of the Electronic Gaming Device based on internal computation of the hold percentage.
- c) When an Electronic Gaming Device is unable to drop sufficient Tokens for payment of jackpots requiring the payment to be made by the Riverboat, jackpot payout tickets must be prepared containing the following information:
- 1) The location of the Electronic Gaming Device;
 - 2) The date;
 - 3) The time of day;
 - 4) The Electronic Gaming Device number;
 - 5) The amount of the jackpot payout in numeric form if the ticket is machine generated, or in written and numeric form if the ticket is prepared manually;
 - 6) The signature of the holder of an Owner's license license or Riverboat Gaming Operation employee making the payment; and
 - 7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.
- d) Electronic Gaming Devices linked to any Progressive Jackpot system shall meet the following specifications:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The value of a Progressive Jackpot shall be clearly displayed above the interlinked Electronic Gaming Devices, and metered incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must prominently display a manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall contain EPROMS with identical Theoretical Payout Percentage;
- 2) A Progressive Jackpot may be transferred to another progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator;
- 3) A holder of an Owner's license license may impose a limit on the Progressive Jackpot jackpot of an Electronic Gaming Device Device which are is linked to any Progressive Controller as-long as-the-minimum-payout-is-greater-than-the-possible-maximum jackpot-payout-showing-on-any-individual-Electronic-Gaming-Device linked-to-the-Progressive-Jackpot;
- 4) No Progressive Jackpot indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances occurs:
 - A) The amount shown on the progressive meter is paid to a player as a jackpot;
 - B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount greater than the limit imposed by the Riverboat Gaming Operation pursuant to subsection (d)(3) of this Section; and
 - C) It becomes necessary to change the jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data system;
- 5) A holder of an Owner's license license who is liable for payment of a Progressive Jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming Industry. The Administrator must approve all deposits, bonds, or other instruments, and the security instrument must be secured in a method approved by the Administrator.

(Source: Amended at 22 Ill. Reg. 4408, effective FEB 20 1998)

SUBPART J: OWNERSHIP AND ACCOUNTING RECORD AND PROCEDURES

Section 3000.1070 Tips or Gratuities

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) No dealer Saming-employee shall accept currency as a tip or gratuity from any patron.
- b) No Riverboat Gaming Operation Key Person, boxperson, floorperson or any other employee who serves in a supervisory position shall accept any tip or gratuity from any player or patron of the Riverboat Gaming Operation where he is employed. No Riverboat Gaming Operation Key Person or employee shall solicit any such tip or gratuity. The holder of an Owner's license shall not permit any practices prohibited by subsection (a) above.
- c) All tips and gratuities given to dealers shall be:
 - 1) Immediately deposited in a transparent locked box reserved for that purpose, except that:
 - A) One dollar Chips received as tips shall be either immediately deposited into the transparent locked box or immediately placed in the clear Chip tube which is permanently mounted on the top of the Gaming table. Once the Chip tube is full, the floorperson shall witness the exchange of the one dollar Chips for a higher denomination Chip from the Chip rack. The higher denomination Chip will be immediately deposited into the transparent locked box and the one dollar Chips will be placed in the Chip rack.
 - B) If Non-Value Chips are received at a roulette table, the marker button indicating their specific value shall not be removed from the slot or receptacle attached to the outer rim of the roulette wheel until after a dealer in the presence of a supervisor has converted them into Value Chips which are immediately deposited in a transparent locked box reserved for the purpose;
 - 2) Accounted for by a recorded count conducted by a randomly selected dealer and a randomly selected non-gaming employee;
 - 3) Placed in a pool for pro rata distribution among the designated employees. Tips or gratuities from this pool shall be deposited into the holder of an Owner's license's payroll account. Distributions from this pool shall be made following the holder of an Owner's license's license's payroll accounting practices and shall be subject to all applicable state and federal withholding taxes.

(Source: Amended at 22 Ill. Reg. 4409, effective FEB 20 1998)

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section 3000.1125 Answer

- a) Service of Answer Within 21 twenty-one days from the date of service of the complaint, the licensee shall file his answer by serving copies thereof on the

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Administrator and Chief Legal Counsel at either the Board's Springfield or Cook County office. Service may be made by personal delivery, certified mail, postage prepaid, or overnight express mail. An answer shall be deemed filed on the date on which it is postmarked, or if personally delivered, the date received at the Board's office. No answer shall be deemed filed if it fails to comply with all the requirements of this Section. If an answer is not filed within 21 days from the date of service of the complaint, the order or action of the Board becomes a final decision.

b) Answers.

1) Answer shall include:

A) An admission or denial of each factual allegation in the statement of facts in the complaint; and

B) If the licensee denies any of the factual allegations, a revised statement of the denied factual allegations as he believes them to be true.

2) All answers must be verified. Such verification shall be notarized and shall include a certification in the following form:

The undersigned certifies that the statements set forth in this answer are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

(Source: Amended at 22 Ill. Reg. _____, effective FEB 20 1998)

Section 3000.1126 Appointment of Hearing Officer

a) The Chairman of the Board may appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may appoint an Administrative Law Judge to conduct a hearing in accordance with this Subpart.

b) If the licensee believes the Administrative Law Judge is biased or has a conflict of interest, the licensee may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the licensee setting forth the specific grounds for disqualification. The licensee shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the licensee or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the licensee in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself or herself upon determining that bias or conflict of interest exists. Grounds for disqualification of an Administrative Law Judge shall include, but not be limited to:

- 1) Financial interest or pecuniary benefit derived from the gaming industry;
- 2) Personal friendship with any of the parties, witnesses or attorneys involved;
- 3) Past representation of any of the parties or witnesses involved; and
- 4) Demonstrable pre-disposition on the issues.

If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

(Source: Amended at 22 Ill. Reg. _____, effective FEB 20 1998)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.2 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: February 27, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 27, 1998
- 9) Notice of Proposal Published in Illinois Register:
October 17, 1997 (21 Ill. Reg. 13757)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No.
- 11) Differences between proposal and final version: The following changes have been made in the text of the proposed rulemaking.
In subsections (a)(1) and (3), "Department's" has been stricken.
In subsection (a)(8), "Department's" has been deleted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
Yes
- 14) Are there any amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.2	Amendment	January 2, 1998 (22 Ill. Reg. 152)
140.12	Amendment	January 2, 1998 (22 Ill. Reg. 152)
140.539	Amendment	February 20, 1998 (22 Ill. Reg. 3727)

15) Summary and Purpose of Amendments:

These amendments provide Department coverage for eligible persons who reside in specified Supportive Living Facilities (SLFs). These

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amendments and companion amendments at 89 Ill. Adm. Code 146 under new Subpart B, Supportive Living Facilities, are necessary to implement provisions of Public Act 89-499 allowing the Department to undertake a demonstration project on alternatives to traditional nursing home care. The project is designed to provide alternative living arrangements for persons with a disability who are age 22 years or over, or persons who are age 65 years or over. The objective of the SLF demonstration project is to study alternative settings for long term care, to identify the essential services and supports needed to maintain lighter need individuals in an assisted living environment, and to determine if the SLF option provides a cost effective alternative to nursing facility care. All individuals seeking supportive living services must be found to be in need of a nursing facility level of care, yet have the ability to live independently with some assistance in a home-like setting.

The Department anticipates an annual cost savings of approximately \$1 million as a result of the SLF demonstration project.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under Medical Assistance Programs
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under General Assistance
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen
140.8	Who Do Not Qualify for AFDC and Children Under Age Eight
140.9	Medical Assistance For Qualified Severely Impaired Individuals
	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submission of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (OMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
	Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Retention of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichesk Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
SUBPART E: GROUP CARE	
Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life (Repealed)
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.525	Cessation of Payment Due to Loss of License
140.526	Quality Incentive Program (QUIP) Payment Levels
140.527	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	
140.850	General Description (Repealed)
140.855	Definition of Terms (Repealed)
140.860	Covered Services (Repealed)
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Repealed)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
140.901	Functional Areas of Needs (Repealed)
140.902	Service Needs (Repealed)
140.903	Definitions (Repealed)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Repealed)
140.907	Midnight Census Report (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)
SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM	
Section	
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)
SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM	
Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
40.950	Factors Considered in Awarding ICARE Contracts (Recodified)
40.952	Closing an ICARE Area (Recodified)
40.954	Administrative Review (Recodified)
40.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Medichek Recommended Screening Procedures (Repealed)
TABLE B	Geographic Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7259, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Reg. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Reg. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.915 and 140.916 thru 140.917 and 140.918 thru 140.920 and 140.921 thru 140.922 and 140.923 thru 140.924 and 140.925 thru 140.926 and 140.927 thru 140.928 and 140.929 thru 140.930 and 140.931 thru 140.932 and 140.933 thru 140.934 and 140.935 thru 140.936 and 140.937 thru 140.938 and 140.939 thru 140.940 and 140.941 thru 140.942 and 140.943 thru 140.944 and 140.945 thru 140.946 and 140.947 thru 140.948 and 140.949 thru 140.950 and 140.951 thru 140.952 and 140.953 thru 140.954 and 140.955 thru 140.956 and 140.957 thru 140.958 and 140.959 thru 140.960 and 140.961 thru 140.962 and 140.963 thru 140.964 and 140.965 thru 140.966 and 140.967 thru 140.968 and 140.969 thru 140.970 and 140.971 thru 140.972 and 140.973 thru 140.974 and 140.975 thru 140.976 and 140.977 thru 140.978 and 140.979 thru 140.980 and 140.981 thru 140.982 and 140.983 thru 140.984 and 140.985 thru 140.986 and 140.987 thru 140.988 and 140.989 thru 140.990 and 140.991 thru 140.992 and 140.993 thru 140.994 and 140.995 thru 140.996 and 140.997 thru 140.998 and 140.999 thru 141.000 and 141.001 thru 141.002 and 141.003 thru 141.004 and 141.005 thru 141.006 and 141.007 thru 141.008 and 141.009 thru 141.010 and 141.011 thru 141.012 and 141.013 thru 141.014 and 141.015 thru 141.016 and 141.017 thru 141.018 and 141.019 thru 141.020 and 141.021 thru 141.022 and 141.023 thru 141.024 and 141.025 thru 141.026 and 141.027 thru 141.028 and 141.029 thru 141.030 and 141.031 thru 141.032 and 141.033 thru 141.034 and 141.035 thru 141.036 and 141.037 thru 141.038 and 141.039 thru 141.040 and 141.041 thru 141.042 and 141.043 thru 141.044 and 141.045 thru 141.046 and 141.047 thru 141.048 and 141.049 thru 141.050 and 141.051 thru 141.052 and 141.053 thru 141.054 and 141.055 thru 141.056 and 141.057 thru 141.058 and 141.059 thru 141.060 and 141.061 thru 141.062 and 141.063 thru 141.064 and 141.065 thru 141.066 and 141.067 thru 141.068 and 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141.309 thru 141.310 and 141.311 thru 141.312 and 141.313 thru 141.314 and 141.315 thru 141.316 and 141.317 thru 141.318 and 141.319 thru 141.320 and 141.321 thru 141.322 and 141.323 thru 141.324 and 141.325 thru 141.326 and 141.327 thru 141.328 and 141.329 thru 141.330 and 141.331 thru 141.332 and 141.333 thru 141.334 and 141.335 thru 141.336 and 141.337 thru 141.338 and 141.339 thru 141.340 and 141.341 thru 141.342 and 141.343 thru 141.344 and 141.345 thru 141.346 and 141.347 thru 141.348 and 141.349 thru 141.350 and 141.351 thru 141.352 and 141.353 thru 141.354 and 141.355 thru 141.356 and 141.357 thru 141.358 and 141.359 thru 141.360 and 141.361 thru 141.362 and 141.363 thru 141.364 and 141.365 thru 141.366 and 141.367 thru 141.368 and 141.369 thru 141.370 and 141.371 thru 141.372 and 141.373 thru 141.374 and 141.375 thru 141.376 and 141.377 thru 141.378 and 141.379 thru 141.380 and 141.381 thru 141.382 and 141.383 thru 141.384 and 141.385 thru 141.386 and 141.387 thru 141.388 and 141.389 thru 141.390 and 141.391 thru 141.392 and 141.393 thru 141.394 and 141.395 thru 141.396 and 141.397 thru 141.398 and 141.399 thru 141.400 and 141.401 thru 141.402 and 141.403 thru 141.404 and 141.405 thru 141.406 and 141.407 thru 141.408 and 141.409 thru 141.410 and 141.411 thru 141.412 and 141.413 thru 141.414 and 141.415 thru 141.416 and 141.417 thru 141.418 and 141.419 thru 141.420 and 141.421 thru 141.422 and 141.423 thru 141.424 and 141.425 thru 141.426 and 141.427 thru 141.428 and 141.429 thru 141.430 and 141.431 thru 141.432 and 141.433 thru 141.434 and 141.435 thru 141.436 and 141.437 thru 141.438 and 141.439 thru 141.440 and 141.441 thru 141.442 and 141.443 thru 141.444 and 141.445 thru 141.446 and 141.447 thru 141.448 and 141.449 thru 141.450 and 141.451 thru 141.452 and 141.453 thru 141.454 and 141.455 thru 141.456 and 141.457 thru 141.458 and 141.459 thru 141.460 and 141.461 thru 141.462 and 141.463 thru 141.464 and 141.465 thru 141.466 and 141.467 thru 141.468 and 141.469 thru 141.470 and 141.471 thru 141.472 and 141.473 thru 141.474 and 141.475 thru 141.476 and 141.477 thru 141.478 and 141.479 thru 141.480 and 141.481 thru 141.482 and 141.483 thru 141.484 and 141.485 thru 141.486 and 141.487 thru 141.488 and 141.489 thru 141.490 and 141.491 thru 141.492 and 141.493 thru 141.494 and 141.495 thru 141.496 and 141.497 thru 141.498 and 141.499 thru 141.500 and 141.501 thru 141.502 and 141.503 thru 141.504 and 141.505 thru 141.506 and 141.507 thru 141.508 and 141.509 thru 141.510 and 141.511 thru 141.512 and 141.513 thru 141.514 and 141.515 thru 141.516 and 141.517 thru 141.518 and 141.519 thru 141.520 and 141.521 thru 141.522 and 141.523 thru 141.524 and 141.525 thru 141.526 and 141.527 thru 141.528 and 141.529 thru 141.530 and 141.531 thru 141.532 and 141.533 thru 141.534 and 141.535 thru 141.536 and 141.537 thru 141.538 and 141.539 thru 141.540 and 141.541 thru 141.542 and 141.543 thru 141.544 and 141.545 thru 141.546 and 141.547 thru 141.548 and 141.549 thru 141.550 and 141.551 thru 141.552 and 141.553 thru 141.554 and 141.555 thru 141.556 and 141.557 thru 141.558 and 141.559 thru 141.560 and 141.561 thru 141.562 and 141.563 thru 141.564 and 141.565 thru 141.566 and 141.567 thru 141.568 and 141.569 thru 141.570 and 141.571 thru 141.572 and 141.573 thru 141.574 and 141.575 thru 141.576 and 141.577 thru 141.578 and 141.579 thru 141.580 and 141.581 thru 141.582 and 141.583 thru 141.584 and 141.585 thru 141.586 and 141.587 thru 141.588 and 141.589 thru 141.590 and 141.591 thru 141.592 and 141.593 thru 141.594 and 141.595 thru 141.596 and 141.597 thru 141.598 and 141.599 thru 141.600 and 141.601 thru 141.602 and 141.603 thru 141.604 and 141.605 thru 141.606 and 141.607 thru 141.608 and 141.609 thru 141.610 and 141.611 thru 141.612 and 141.613 thru 141.614 and 141.615 thru 141.616 and 141.617 thru 141.618 and 141.619 thru 141.620 and 141.621 thru 141.622 and 141.623 thru 141.624 and 141.625 thru 141.626 and 141.627 thru 141.628 and 141.629 thru 141.630 and 141.631 thru 141.632 and 141.633 thru 141.634 and 141.635 thru 141.636 and 141.637 thru 141.638 and 141.639 thru 141.640 and 141.641 thru 141.642 and 141.643 thru 141.644 and 141.645 thru 141.646 and 141.647 thru 141.648 and 141.649 thru 141.650 and 141.651 thru 141.652 and 141.653 thru 141.654 and 141.655 thru 141.656 and 141.657 thru 141.658 and 141.659 thru 141.660 and 141.661 thru 141.662 and 141.663 thru 141.664 and 141.665 thru 141.666 and 141.667 thru 141.668 and 141.669 thru 141.670 and 141.671 thru 141.672 and 141.673 thru 141.674 and 141.675 thru 141.676 and 141.677 thru 141.678 and 141.679 thru 141.680 and 141.681 thru 141.682 and 141.683 thru 141.684 and 141.685 thru 141.686 and 141.687 thru 141.688 and 141.689 thru 141.690 and 141.691 thru 141.692 and 141.693 thru 141.694 and 141.695 thru 141.696 and 141.697 thru 141.698 and 141.699 thru 141.700 and 141.701 thru 141.702 and 141.703 thru 141.704 and 141.705 thru 141.706 and 141.707 thru 141.708 and 141.709 thru 141.710 and 141.711 thru 141.712 and 141.713 thru 141.714 and 141.715 thru 141.716 and 141.717 thru 141.718 and 141.719 thru 141.720 and 141.721 thru 141.722 and 141.723 thru 141.724 and 141.725 thru 141.726 and 141.727 thru 141.728 and 141.729 thru 141.730 and 141.731 thru 141.732 and 141.733 thru 141.734 and 141.735 thru 141.736 and 141.737 thru 141.738 and 141.739 thru 141.740 and 141.741 thru 141.742 and 141.743 thru 141.744 and 141.745 thru 141.746 and 141.747 thru 141.748 and 141.749 thru 141.750 and 141.751 thru 141.752 and 141.753 thru 141.754 and 141.755 thru 141.756 and 141.757 thru 141.758 and 141.759 thru 141.760 and 141.761 thru 141.762 and 141.763 thru 141.764 and 141.765 thru 141.766 and 141.767 thru 141.768 and 141.769 thru 141.770 and 141.771 thru 141.772 and 141.773 thru 141.774 and 141.775 thru 141.776 and 141.777 thru 141.778 and 141.779 thru 141.780 and 141.781 thru 141.782 and 141.783 thru 141.784 and 141.785 thru 141.786 and 141.787 thru 141.788 and 141.789 thru 141.790 and 141.791 thru 141.792 and 141.793 thru 141.794 and 141.795 thru 141.796 and 141.797 thru 141.798 and 141.799 thru 141.800 and 141.801 thru 141.802 and 141.803 thru 141.804 and 141.805 thru 141.806 and 141.807 thru 141.808 and 141.809 thru 141.810 and 141.811 thru 141.812 and 141.813 thru 141.814 and 141.815 thru 141.816 and 141.817 thru 141.818 and 141.819 thru 141.820 and 141.821 thru 141.822 and 141.823 thru 141.824 and 141.825 thru 141.826 and 141.827 thru 141.828 and 141.829 thru 141.830 and 141.831 thru 141.832 and 141.833 thru 141.834 and 141.835 thru 141.836 and 141.837 thru 141.838 and 141.839 thru 141.840 and 141.841 thru 141.842 and 141.843 thru 141.844 and 141.845 thru 141.846 and 141.847 thru 141.848 and 141.849 thru 141.850 and 141.851 thru 141.852 and 141.853 thru 141.854 and 141.855 thru 141.856 and 141.857 thru 141.858 and 141.859 thru 141.860 and 141.861 thru 141.862 and 141.863 thru 141.864 and 141.865 thru 141.866 and 141.867 thru 141.868 and 141.869 thru 141.870 and 141.871 thru 141.872 and 141.873 thru 141.874 and 141.875 thru 141.876 and 141.877 thru 141.878 and 141.879 thru 141.880 and 141.881 thru 141.882 and 141.883 thru 141.884 and 141.885 thru 141.886 and 141.887 thru 141.888 and 141.889 thru 141.890 and 141.891 thru 141.892 and 141.893 thru 141.894 and 141.895 thru 141.896 and 141.897 thru 141.898 and 141.899 thru 141.900 and 141.901 thru 141.902 and 141.903 thru 141.904 and 141.905 thru 141.906 and 141.907 thru 141.908 and 141.909 thru 141.910 and 141.911 thru 141.912 and 141.913 thru 141.914 and 141

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 1417, effective FEB 27 1998.

SUBPART A: GENERAL PROVISIONS

Section 140.2 Medical Assistance Programs

- a) Under the Medical Assistance Programs, the Department pays participating providers for necessary medical services, specified in Section 140.3 through 140.7 for:
- 1) persons eligible for financial assistance under the Department's Aid to the Aged, Blind or Disabled-State Supplemental Payment (AABD-SSP) and Aid to Families with Dependent Children (AFDC)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 2) persons who would be eligible for financial assistance but who have resources in excess of the Department's eligibility standards and who have incurred medical expenses greater than the difference between their income and the Department's standards (Medicaid - MANG);
 - 3) persons receiving financial assistance under the Department's General Assistance (GA) program, either State Transitional Assistance or State Family and Children Assistance (GA-Medical);
 - 4) individuals under age 18 who do not qualify for AFDC/AFDC-WANG and infants under age one year (see Section 140.7);
 - 5) pregnant women who would not be eligible for AFDC/AFDC-WANG if the child were born and who do not qualify as mandatory categorically needy (see Section 140.9);
 - 6) persons who are eligible for Title IV-E adoption assistance/foster care assistance from another State and who are living in Illinois; **and**
 - 7) noncitizens who have an emergency medical condition (see 89 Ill. Adm. Code 120.310); however, payment is not included for care and services related to an organ transplant procedure; and-
 - 8) persons eligible for medical assistance under the Aid to the Aged, Blind or Disabled (AABD) program who reside in specified Supportive Living Facilities (SLFs), as described at 89 Ill. Adm. Code 146, Subpart B.
- b) "Necessary medical care" is that which is generally recognized as standard medical care required because of disease, disability, infirmity or impairment.
- c) The Department may impose prior approval requirements, as specified by rule, to determine whether the medical care is necessary and eligible for payment from the Department in individual situations. Such requirements shall be based on recommendations of technical and professional staff and advisory committees.
- d) When recipients are entitled to Medicare benefits, the Department shall assume responsibility for their deductible and coinsurance obligations, unless the recipients have income and/or resources available to meet these needs. The total payment to a provider from both Medicare and the Department shall not exceed either the amount that Medicare determines to be a reasonable charge or the Department standard for the services provided, whichever is applicable.
- e) The Department shall pay for services and items not allowed by Medicare only if they are provided in accordance with Department policy for recipients not entitled to Medicare benefits.
- f) The Department may contract with qualified practitioners, hospitals and all other dispensers of medical services for the provision and reimbursement of any and all medical care or services as specified in the contract on a prepaid capitation basis (i.e., payment of a fixed amount per enrollee made in advance of the service); volume purchase basis (i.e., purchase of a volume of goods or services for a price

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

specified in the contract); ambulatory visit basis (i.e., one comprehensive payment for each visit regardless of the services provided during that visit) or per discharge basis (i.e., one comprehensive payment per discharge regardless of the services provided during the stay). Such contracts shall be based either on formally solicited competitive bid proposals or individually negotiated rates with providers willing to enter into special contractual arrangements with the State.

g) The Department may require that recipients of medical assistance under any of the Department's programs exercise their freedom of choice by choosing to receive medical care under the traditional fee for service system or through a prepaid capitation plan or under one of the other alternative contractual arrangements described in subsection (f). The categories of recipients who may choose or be assigned to an alternative plan will be specified in the contract. Recipients required to make such a choice will be notified in writing by the Department. If a recipient does not choose to exercise his/her freedom of choice, the Department may assign that recipient to a prepaid plan. Under such a plan, recipients would obtain certain medical services or supplies from a single source or limited source. The Department will notify recipients in writing if they are assigned to a prepaid plan. Recipients enrolled in or assigned to a prepaid plan will receive written notification advising them of the services which they will receive from the plan. Covered services not provided by the plan will be reimbursed by the Department on a fee for service basis. Recipients will receive a medical eligibility card which will apply to such services.

h) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization (HMO) whereby the recipient who chooses to receive medical care through an HMO must stay in the HMO for a certain period of time, not to exceed six months (the enrollment period). Upon written notice, the recipient may choose to disenroll from such an HMO at any time within the first month of each enrollment period. The Department will send the recipient a notice at least 30 days prior to the end of the enrollment period which gives the recipient a specified period of time in which to inform the Department if the recipient does not wish to re-enroll in the HMO for a new enrollment period. The recipient may then disenroll at the end of the enrollment period only if the recipient responds to the notice and indicates in writing a choice to disenroll. Failure to respond to the notice will result in automatic re-enrollment for a new enrollment period. Recipients shall also be allowed to disenroll at any time for cause.

i) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization whereby the recipient who chooses to receive medical care through an HMO may choose to disenroll at any time, upon written notice.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

j) The Department shall pay for services under the Maternal and Child Health Program, a primary health care program for pregnant women and children (see Subpart G).

(Source: Amended at 22 Ill. Reg. _____, effective FEB 27 1998)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part Specialized Health Care Delivery Systems2) Code Citation 89 Ill. Adm. Code 1463) Section Numbers Adopted Action:

146.200 New Section

146.205 New Section

146.210 New Section

146.215 New Section

146.220 New Section

146.225 New Section

146.230 New Section

146.235 New Section

146.240 New Section

146.245 New Section

146.250 New Section

146.255 New Section

146.260 New Section

146.265 New Section

146.270 New Section

146.275 New Section

146.280 New Section

146.285 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]5) Effective Date of Amendments: February 27, 19986) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: February 27, 19989) Notice of Proposal Published in Illinois Register:
October 17, 1997 (21 Ill. Reg. 13760)10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes have been made in the text of the proposed rulemaking.

Section 146.265, Records Requirements, has been added to the section

11.11.11.

The title of Subpart B has been changed to "Supportive Living Facilities".

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 146.200

In the first sentence, the parentheses surrounding the ILCS citation have been changed to brackets and "(SLF)" has been changed to "(SLFs)".

Section 146.205

In the definition of "Contract", "a SLF" has been changed to "an SLF". In the definition of "Follow-up Care", the comma after "agreed to" has been moved to follow the next word, "by", to read, "and agreed to by, the resident."

The ILCS citation in the definition of "Licensed Nurse" has been changed to "[225 ILCS 65]".

In the definition of "Medicaid Resident", the three occurrences of "a SLF" have been changed to "an SLF".

In the definition of "Medical Assistance Program", the ILCS citation has been changed to "[305 ILCS 5/Art. V]" and "Federal" has been changed to "federal".

In the definition of "resident", "a SLF" has been changed to "an SLF". In the definition of "Service Plan", a comma has been added after "representative" and "seven days of" has been changed to "seven days after".

In the first line of the definition of "SLF or Supportive Living Facility", a colon has been added after "Illinois that".

Section 146.210

In subsection (a)(1), the ILCS citation has been changed to "[425 ILCS 25]".

In subsection (a)(3), "A SLF" has been changed to "An SLF".

In subsection (a)(4), "75 or less" has been changed to "75 or fewer".

In subsection (c), "night lights" has been changed to "night lighting".

In subsections (d)(1) and (e)(1), each of the four occurrences of "excluding" has been changed to "including".

At the end of subsection (e)(2)(B), the extra period has been deleted.

In subsection (r), the ILCS citation has been changed to "[410 ILCS 80]".

Section 146.215

In subsection (a), the ILCS citations have been changed to "[210 ILCS 45]" and "[20 ILCS 3960]" respectively.

In subsections (b) and (h), "A SLF" has been changed to "An SLF".

In subsection (b)(2), (c) and (d), all occurrences of "a SLF" have been changed to "an SLF".

In subsections (b)(3), (b)(4), (b)(5), (b)(7), (b)(8), (b)(9) and (b)(10), the ILCS citations have been changed to "[225 ILCS 10]", "[210 ILCS 35]", "[405 ILCS 30]", "[210 ILCS 135]", "[210 ILCS 65]", "[210 ILCS 60]" and "[210 ILCS 40]" respectively.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

In subsection (d)(2)(I), "contracted" has been changed to "contracting".
 In subsection (g)(3), "this" has been added before "Section 146.215".
 A new subsection (m) has been added as follows: "The SLF shall comply with the Americans with Disabilities Act of 1990."

Section 146.220

The end of subsection (a)(1) has been changed to "or elderly (age 65 years or over)."

In subsections (a)(2), (b), (c) and (e), all occurrences of "a SLF" have been changed to "an SLF".

Section 146.225

In subsections (b), (c) and (e), all occurrences of "a SLF" have been changed to "an SLF".

In subsection (c), both occurrences of "individuals sharing a room" have been changed to "individuals sharing an apartment".

Section 146.230

In subsection (a), "A SLF" has been changed to "An SLF".

In subsection (c)(5), the ILCS citation has been changed to "[225 ILCS 65]".

Section 146.235

In subsection (i), "Twenty four" has been changed to "Twenty-four".

Section 146.240

In subsection (b)(4), "state" has been changed to "State".

In subsection (f), the second sentence has been deleted.

Section 146.245

In subsection (d), "24 hours of" has been changed to "24 hours after".

Section 146.250

In subsection (a), "Federal" has been changed to "federal" and "state" has been changed to "State".

In subsection (c)(8), "foregoing" has been changed to "forgoing".

Section 146.255

In subsection (d)(6), "This subsection" has been changed to "This subsection (d)(6)".

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

In subsection (f)(3), the fourth sentence has been changed to read: "If the decision following the hearing is not in your favor, you will not be discharged prior to the tenth day after receipt of the Department's hearing decision unless you are unsafe to yourself or others."

In subsection (h), "resident or" has been changed to "resident and".

In subsection (k), "Department's decision" has been changed to "Department's hearing decision".

In subsection (n), "subsections" has been changed to "subsection".

Section 146.265

In subsection (c)(5), a comma has been added after "Statements".

In subsection (d), "USC" has been changed to "U.S.C.", and the ILCS citations have been changed as follows: "[5 ILCS 140]", "[30 ILCS 505]" and "[5 ILCS 160]".

Section 146.270

The subsection labeling throughout Section 146.270 has been corrected.
 At the end of newly labeled subsection (h)(1), the period has been deleted.

Section 146.275

In the last sentence of subsection (d), "such" has been deleted.

Section 146.280

In subsection (b), "a SLF" has been changed to "an SLF".

In subsection (b)(1), "ten days of" has been changed to "ten days after".

In subsection (b)(5), "10" has been changed to "ten".

In subsections (b)(6) and (b)(10), the cross-references have been changed to "89 Ill. Adm. Code 104.208, Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement".

Section 146.285

"A SLF has been changed to "An SLF".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any amendments pending on this Part? No

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS
TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS
PART 146
SPECIALIZED HEALTH CARE DELIVERY SYSTEMS
SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section	General Description
146.100	Definitions
146.105	Participation Requirements
146.110	Records and Data Reporting Requirements
146.115	Covered Ambulatory Surgical Treatment Center Services
146.125	Reimbursement for Services
146.130	

SUBPART B: SUPPORTIVE LIVING FACILITIES

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge Criteria
146.260	Grievance Procedure
146.265	Records Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Termination or Suspension of SLF Provider Agreement
146.285	Voluntary Surrender of Certification

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; New Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1111, effective 11/1/97.

FEB 27 1998

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

These amendments concerning supportive living facilities (SLFs) are necessary to implement provisions of Public Act 89-499 allowing the Department to undertake a demonstration project on alternatives to traditional nursing home care. Department coverage for eligible persons residing in SLFs is specified in companion amendments at 89 Ill. Adm. Code 140.2. The project is designed to provide alternative living arrangements for persons with a disability who are age 22 years or over, or persons who are age 65 years or over. The objective of the SLF demonstration project is to study alternative settings for long term care, to identify the essential services and supports needed to maintain lighter need individuals in an assisted living environment, and to determine if the SLF option provides a cost effective alternative to nursing facility care. All individuals seeking supportive living services must be found to be in need of a nursing facility level of care, yet have the ability to live independently with some assistance in a home-like setting.

The Department anticipates that the SLF demonstration project will result in an annual cost savings of approximately \$1 million.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section 146.200 General Description

The Public Aid Code [305 ILCS 5/5-5.01a] calls for a demonstration project to determine the viability of supportive living facilities (SLFs) that seek to promote independence, dignity, respect and well-being for residents in the most cost effective manner. SLFs shall serve persons with a disability age 22 years and over or persons who are age 65 and over who meet the requirements described in Section 146.220.

(Source: Added at 22 Ill. Reg. _____, effective
FEB 27 1998)

Section 146.205 Definitions

For purposes of this Part, the following terms shall be defined as follows:

"Activities of Daily Living" means eating, bathing, dressing, transferring, toileting, walking and grooming.

"Assessment" means either the federally mandated assessment instrument commonly referred to as minimum data set (MDS) or the Department designated resident assessment instrument designed for use in SLFs.

"Bank Nursing Facility Beds" means SLF providers that choose to participate by converting a distinct part of a nursing facility shall be allowed to retain the Certificate of Need for nursing beds that were converted.

"Complaint" means a phone call, letter or personal contact to the Department from a resident, family member or resident representative expressing a concern related to the health, safety or well-being of one or more SLF residents.

"Contract" means the written agreement between an SLF and the Department to provide all services set forth in this Subpart B.

"Department" means the Illinois Department of Public Aid.

"Direct Care Staff" means staff which provide assistance with activities of daily living or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual.

"Distinct Part" means a separate building or an entire wing or other physically identifiable space of an existing facility licensed under the Nursing Home Care Act or the Hospital Licensing Act that is

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

operated distinguishably from the rest of the facility. The distinct part of a nursing facility will not be subject to provisions of the Nursing Home Care Act. The distinct part of a hospital continues to be subject to provisions of the Hospital Licensing Act while complying with provisions of this Subpart B. A distinct part does not include the conversion of an entire nursing facility or hospital.

"Follow-up Care" means the response to, and documentation of, the service plan which is discussed with, and agreed to by, the resident. It may include physician referrals, revision of the service plan to incorporate nursing services, health promotion counseling and teaching self care in meeting health needs.

"Freestanding Facility" means a separate building that is not part of an existing nursing facility or hospital. Freestanding facilities include conversion of an entire nursing facility or hospital.

"Licensed Nurse" means a person whose services are paid for by the SLF and who is licensed as a registered nurse, registered professional nurse, practical nurse or licensed practical nurse under the Illinois Nursing Act of 1987 [225 ILCS 65].

"Medicaid" means the Department's Medical Assistance Program.

"Medicaid Resident" means a person with a disability (as determined by the Social Security Administration) age 22 years and over, or a person who is age 65 years and over who has been determined eligible for Medicaid payment for SLF services. Eligibility for a person residing in an SLF shall be determined in accordance with 89 Ill. Adm. Code 120.10 and 120.61 (excluding subsection (f) of Section 120.61). Provisions for property transfers as described at 89 Ill. Adm. Code 120.387 shall apply to a person residing in an SLF. Provisions for the prevention of spousal impoverishment as described at 89 Ill. Adm. Code 120.379 shall apply to a person residing in an SLF.

"Medical Assistance Program" means the program administered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] or successor programs and Title XIX of the Social Security Act (42 U.S.C. 1396) and related federal and State rules and regulations.

"Related Parties" means affiliates of the SLF; entities for which investments are accounted for by the equity method by the entire enterprise; trusts for the benefit of employees, such as pensions and profit-sharing trusts that are managed by or under the trusteeship of management; any general partner; management of the SLF; members of immediate families of principal owners of the SLF or its management; and other parties with which the SLF may deal if one party controls or can significantly influence management or operating policies of the

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests. An entity or person shall be deemed by the Department to be a related party if it can significantly influence management or operating policies of the transacting parties or if it has an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

"Resident" means a person living in an SLF, including Medicaid residents as defined in this Section, as well as individuals who are not eligible for Medicaid payment for SLF services.

"RFP" means a Request for Proposal.

"Room and Board" means the housing and meals provided under the resident contract.

"Services" means the personal and health care related services provided by the SLF pursuant to Section 146.230.

"Service plan" means the written plan that is developed by a licensed nurse with input from the resident, or his or her designated representative, based upon the assessment and shall be completed within seven days after completion of the assessment.

"SLF or Supportive Living Facility" means a residential setting in Illinois that: provides or coordinates flexible personal care services, 24 hour supervision and assistance (scheduled and unscheduled), activities, and health related services with a service program and physical environment designed to minimize the need for residents to move within or from the setting to accommodate changing needs and preferences; has an organizational mission, service programs and a physical environment designed to maximize residents' dignity, autonomy, privacy and independence; and encourages family and community involvement.

"SSI" means Supplemental Security Income under Title XVI of the Social Security Act.

"Subcontractor" means any person who assumes any duties and responsibilities from the SLF under this contract for the performance of an act for which the SLF has contracted with the Department.

(Source: Added 22 Ill. Reg. 4430 - effective
FEB 27 1998)

Section 146.210 Structural Requirements

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

a) Building Construction

1) Each SLF shall be in compliance with local building codes and the rules of the State Fire Marshal [425 ILCS 25], if applicable.

2) Each SLF shall meet accessibility standards as related to the Americans with Disabilities Act of 1990.

3) An SLF shall not have any apartments below grade level.

4) All freestanding sites consisting of two or more stories with 75 or fewer units shall have a minimum of one elevator available for resident use. All freestanding sites consisting of two or more stories with 76 or more units shall have a minimum of two elevators available for resident use.

b) Heating and Air Conditioning

1) All residential apartments shall have individually controlled systems to maintain comfortable temperatures.

2) Buildings shall provide a heating and air conditioning system in public areas to maintain comfortable temperatures.

c) Illumination

Illumination systems shall be installed and maintained to ensure sufficient lighting for general lighting, reading, night lighting for corridors, stairwells and emergency situations. There shall be adequate illumination for outdoor areas.

d) Resident Apartments General Requirements - Freestanding Sites

1) Each SLF apartment shall have at least 350 square feet of living space, including closets and the bathroom, for a person living alone. Individuals wishing to share an apartment shall have no less than 500 square feet of living space, including closets and the bathroom.

2) Each apartment shall be equipped at a minimum with:

A) A door that locks from the inside;

B) A full bathroom as defined in this Section;

C) An emergency call system pursuant to Section 146.230(n);

D) Heating and cooling controls;

E) An individual mailbox which shall be located inside the building;

F) Wiring for private telephone lines;

G) Access to cable television or satellite dish; and

H) A sink, microwave oven or stove and refrigerator with a capacity of not less than 14 cubic feet, including freezer capacity of not less than three cubic feet.

3) Each SLF shall have a master key to each apartment to be used only in case of an emergency.

4) Each freestanding SLF shall consist of one building housing at least ten but no more than 150 apartments.

e) Resident Apartments General Requirements - Rehabilitated Nursing Facilities

1) Any nursing facility rehabilitating a portion of the facility to conform with SLF requirements shall convert a distinct part of existing facility space. Each SLF apartment shall have at least

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

160 square feet of living space, including closets and the bathroom, for a person living alone. Individuals wishing to share an apartment shall not have less than 320 square feet of living space, including closets and the bathroom.

Each apartment shall be equipped at a minimum with:

- A) A door that locks from the inside;
 - B) A full bathroom as defined in this Section that may be between and shared by the adjoining apartment;
 - C) An emergency call system pursuant to Section 146.230(n);
 - D) Heating and cooling controls;
 - E) An individual mailbox which shall be located inside the building;
 - F) Wiring for private telephone lines;
 - G) Access to cable television or satellite dish; and
 - H) A sink, microwave oven or stove and refrigerator with a capacity of not less than 14 cubic feet, including freezer capacity of not less than three cubic feet.
- 3) Each SUF shall have a master key to each apartment to be used only in case of an emergency.
- 4) Each rehabilitated nursing facility shall consist of a distinct part of an existing facility housing at least ten apartments but no more than 150 apartments.

f) Apartment Bathrooms

- 1) Each bathroom shall be equipped with:
 - A) A toilet with surrounding grab bars;
 - B) A sink;
 - C) Hot and cold running water with faucets that meet all marking standards for residential building codes; and
 - D) An emergency call system pursuant to Section 146.230(n).
- 2) At least ten percent of all apartment bathrooms shall be wheelchair accessible to allow a five foot turning radius or utilize American National Standards Institute T-shape or Y-shape, including a roll-in shower with non-skid surfaces with hand held shower heads and grab bars.
- 3) At least 50 percent (separate from the ten percent noted in subsection (f)(2) of this Section) of all apartment bathrooms shall be equipped with only a shower stall with non-skid surfaces, hand held shower heads and grab bars.
- 4) Each bathroom shall be a separate room and shall be designed to provide privacy.
- 5) Wall construction in bathrooms shall have proper and appropriately placed blocking to allow installation of grab bars near toilets and in the shower.
- 6) The SUF shall have at least one common bathing room which contains a bathtub and a roll-in shower which is wheelchair accessible to allow a five foot turning radius or utilize the American National Standards Institute T-shape or Y-shape, both of which have a non-skid surface, transfer seat and grab bars. Each

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

bathing room shall have door locks to ensure privacy.

g) Closet Space

Each apartment shall have minimum closet space of 90 cubic feet, with floor dimensions no less than 72 inches wide and 30 inches deep. Each closet shall be equipped with a door.

h) Doors

- 1) All doors in residential apartments, including entrance doors, shall be wheelchair accessible.
- 2) Entrance doors to apartments shall have locking devices that are accessible to the outside.
- 3) Entrance doors to residential apartments shall open onto a public corridor.
- 4) Entrance doors to each apartment shall be equipped with an "eye-view".

i) Windows

All apartment windows shall be of clear glass (except bathrooms) and large enough to permit viewing to the outside. Apartments shall have at least one window with a sill height that permits viewing from a seated position.

j) Common Areas

- 1) The SUF shall have a minimum of two common areas that provide residents with space for socialization. The dining room may be used as one of the common areas.
- 2) All common areas shall be accessible for wheelchair use and shall be designed and furnished to meet resident needs.
- 3) Common areas shall be available for resident use at any time, provided such use does not disturb the health, safety, and well-being of other residents. Access to private or public outdoor recreation areas shall be available to all residents.
- 4) Each common area shall be equipped with an emergency call system pursuant to Section 146.230(n).

k) Public Restrooms

- 1) There shall be at least one public restroom that is handicapped accessible.
- 2) All public restrooms shall be clean.
- 3) All public restrooms shall contain toilet tissue, waste receptacles and hand drying means that cannot be reused. Soap shall be provided in a manner that minimizes contamination.

l) Public Telephone

There shall be an accessible pay telephone in a common area that allows residents and others to conduct private conversations.

m) Social and Recreational Areas

- 1) Accessible public areas shall be provided for residents' social and recreational use.
- 2) Social and recreational areas in rehabilitated nursing facilities shall be separate from those of the nursing facility. Rehabilitated nursing facilities may use the SUF dining room as a social and recreational area.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

n) Kitchens

- 1) SLF kitchens in rehabilitated nursing facilities may be shared with the nursing facility.
- 2) Food shall be prepared on-site in a full service kitchen. The food shall be freshly prepared each day and served in a central dining area.
- 3) Notwithstanding requirements found in any local health or food preparation ordinances, the SLF shall have a kitchen that provides:
 - A) Storage for non-perishable foods and perishable foods;
 - B) Food preparation areas with cleanable surfaces;
 - C) Capacity for resident food distribution at the appropriate temperature;
 - D) Kitchenware washing space as necessary to meet food service needs;
 - E) Hand washing areas separate from food washing areas;
 - F) Area to store and clean garbage cans and carts;
 - G) Self-dispensing ice-making capability; and
 - H) Doors between the kitchen and dining area that are lockable.

o) Dining Areas

- 1) The SLF shall have handicapped accessible dining space to accommodate residents.
- 2) The dining area in rehabilitated nursing facilities shall be separate from the dining area of the nursing facility.

p) Laundry Rooms

- 1) Laundry rooms for resident use:
 - A) In addition to laundry services provided under Section 146.230, at least one accessible washer and dryer shall be provided for resident use at no cost. The resident shall be responsible for the cost of all detergent and fabric softeners.
 - B) There shall be a sink for hand washing separate from sinks used for laundry rinsing in the laundry area.
 - C) There shall be an emergency call system pursuant to Section 146.230(n) in each laundry room available for resident use.
- 2) Laundry rooms for SLFs:
 - A) If laundry is done on-site, the laundry equipment shall be located in a separate room from that of the laundry room used by the residents.
 - B) The SLF shall have space for laundry soiled with body secretions to be processed separately from other soiled linens and laundry.
 - C) There shall be a sink for hand washing separate from sinks used for laundry rinsing in the laundry area.
- g) Housekeeping and Maintenance Areas

There shall be at least one lockable janitor closet in the building. All janitor closets shall have a source of hot and cold running water. Rehabilitated nursing facilities may use the same janitor closet as

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

the nursing facility.

- r) Smoking Areas

Smoking shall be restricted to areas equipped with ventilation to maintain non-smoking areas smoke-free, or to indoor areas that are separate from other common areas. These areas shall be in compliance with the Illinois Clean Indoor Air Act [410 ILCS 80].
- s) Water Services
 - 1) The building water supply shall be taken from a water system that is constructed, protected, operated and maintained in conformance with State and local regulations.
 - 2) Water temperatures in the central kitchen and laundry used for sanitizing shall meet the standards of the local and State health departments.
 - 3) Hot and cold running water with adequate water pressure shall be maintained.
 - 4) Drinking water shall be accessible to residents at all times in common areas and residential apartments.
- t) Waste Removal
 - 1) Liquid wastes shall be collected, stored, and disposed of in accordance with State building and health regulations. Those liquid wastes resulting from compacting shall be disposed of as sewage.
 - 2) Sewage disposal shall be operated in compliance with State and local building and health department regulations.
 - 3) Solid waste containers for use inside and outside shall be insect-proof, rodent-proof, fire-proof, non-absorbent and water-tight containers with tight fitting lids.
 - 4) Indoor garbage containers shall be cleaned frequently enough to minimize the transmission of infection and attraction by insects and rodents.
 - 5) Garbage from the public areas of the building shall be collected daily, and garbage from the residential apartments shall be collected as needed. All garbage shall be held in approved receptacles outside the building for removal on a regular schedule. Garbage and trash shall be disposed of in accordance with local ordinances.

(Source: Added at 22 Ill. Reg. 4430, effective

FEB 27 1998)

Section 146.215 SLF Participation Requirements

- a) Facilities or distinct parts of facilities which are selected as SLFs and are in good standing with provisions contained in this Subpart B are exempt from the provisions of the Nursing Home Care Act [210 ILCS 45] and the Illinois Health Facilities Planning Act [20 ILCS 3960]. Nursing facilities rehabilitating a portion of the facility to conform with this Subpart B shall be allowed to bank their nursing facility

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

beds until the conclusion of the project or until the facility wishes to withdraw from the project and convert the SLF beds back to NF beds.
b) An SLF does not include:

- 1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;
- 2) A "long term care facility" licensed by the Nursing Home Care Act or Hospital Licensing Act. However, a nursing facility licensed under the aforementioned Acts can convert a distinct part to an SLF. If the nursing facility elects to convert a distinct part, the facility retains the Certificate of Need for nursing beds that were converted;
- 3) Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];
- 4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];
- 5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [405 ILCS 30];
- 6) Any nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed of any well recognized church or religious denomination;
- 7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];
- 8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act [210 ILCS 65];
- 9) Freestanding hospice facilities [210 ILCS 60]; or
- 10) A "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40].

c) In order to become certified by the Department, an SLF shall:

- 1) Be selected through the RFP process;
- 2) Negotiate and execute a contract with the Department; and
- 3) Submit a non-refundable \$500 application fee.

d) In order to participate as an enrolled Medicaid provider, an SLF shall:

- 1) Be certified by the Department;
- 2) Submit the following information to the Department at the time of initial enrollment and prior to any subsequent changes:
 - A) The name, address and telephone number of the owner, operator and management agent;
 - B) The name of each member of the governing body if the entity is government sponsored;
 - C) Proof of not-for-profit status if claiming tax-exempt status;
 - D) Names of any officers, directors, partners or members of a governing body who have financial interest of at least five percent in the SLF's operation.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

E) Any related party as defined in Section 146.205.

F) Any owner or related party with a felony criminal conviction.

G) The name of the individual responsible for the management of the SLF.

H) The address, mailing address and telephone number of the SLF where services will be provided.

I) The name and address of service providers contracting with the SLF.

J) The maximum number of apartments that the SLF has available, the number of apartments set aside for Medicaid and the number of apartments structured for two cohabitants.

K) The maximum number of residents that the SLF has the capacity to serve at any one time.

L) Verification of approval of the SLF's architectural plans from the Department or its designee. The architectural plans shall conform to the current State building codes for the respective building type, local Fire and Life Safety Standards for health care occupancy or the National Fire Protection Life Safety Code (NFPA) 101, Chapter 21, Residential Board and Care Occupancies. Plans shall be drawn to a scale of one-fourth inch or one-eighth inch to the foot and specify the date on which construction, modification or conversion is expected to be completed. The plans shall include the name of an architect or engineer duly licensed by the State. The SLF shall be responsible for payment to the Department or its designee for review of the plans.

3) Pass an on-site review, initially and annually thereafter, conducted by the Department or its designee, which includes review of:

A) Documentation that demonstrates physical plant, health and sanitation, and food preparation compliance with local and county ordinances and regulations, compliance with current Fire and Life Safety standards for health care occupancy of the National Fire Protection Life Safety Code (NFPA) 101, Chapter 21, Residential Board and Care Occupancies and State building codes for the respective building type.

B) Assessment, service plan and the provision of services identified in Section 146.230 to ensure that resident needs are met.

C) Patterns to ensure that the SLF has on-site staff sufficient in number to meet the needs of residents. Staff shall demonstrate capacity, within their job responsibilities, to provide covered services and perform tasks.

D) Compliance with the Department's contract, provider agreement and resident contracts.

E) Grievance procedures.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- F) Protection of individual rights and resident's involvement directing his or her own care.
- G) Quality assurance policy and procedures established in accordance with Section 146.270.
- H) Resident satisfaction surveys. The SLF shall conduct an annual resident satisfaction survey which shall be available for review by the Department or its designee. The resident satisfaction survey shall include, but not be limited to, whether the:
- i) Residents have the opportunity to provide input into development and implementation of existing SLF policies and procedures;
 - ii) Existing SLF policies and procedures are clear to residents;
 - iii) Residents have access to existing SLF policies and procedures;
 - iv) Residents have a degree of control over personal lifestyle preferences;
 - v) Residents have access to common areas;
 - vi) Residents are satisfied with surroundings as "home-like"; and
 - vii) Residents have the opportunity to exercise personal lifestyle preferences and direct services according to personal preferences (for example, meal choices and refusal of services).
- e) The SLF shall execute a Medicaid provider agreement with the Department.
- f) The SLF shall be willing to accept the SSI rate (less \$90 for personal allowance) for room and board for Medicaid residents. If the private and Medicaid rates are different, the SLF shall be willing to reserve not less than 25 percent of its apartments for Medicaid residents. Those facilities willing to set a commensurate rate for both private pay and Medicaid residents are not required to reserve apartments for Medicaid residents but must be willing to accept Medicaid residents on a first come, first served basis.
- g) SLF certification is not transferable or applicable to any location; the Medicaid provider agreement and contract.
- 1) The Department shall be notified 60 days prior to a change of ownership or management. Change of ownership means a change of five percent or more.
 - 2) The Department has the right to terminate its contract with the SLF if the change of ownership involves a barred Medicaid provider.
 - 3) The new ownership shall comply with the applicable certification requirements found in this Section 146.215.
 - 4) The Department shall conduct an on-site certification review not later than at the time of the next annual certification review or

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- within three months after the effective date of the change of ownership.
- 5) SLF certification shall be deemed to extend to the new owner until the Department separately certifies the SLF under the new owner.
- h) An SLF certification shall be effective for two years after the date issued and is renewable at the end of this period pursuant to this Section unless terminated or suspended in accordance with Section 146.280.
- i) The certification issued by the Department shall include:
- 1) Name and address of the SLF;
 - 2) Name of the owner, operator and management agent for the housing and service entities involved in providing SLF services;
 - 3) Maximum number of residents to be served at any time; and
 - 4) Number of apartments certified in the SLF.
- j) Providers certified for SLF shall not operate or maintain SLF housing and services in combination with a home health, home care, nursing home, hospital, residential care setting, congregate care setting or other type of residence or service agency unless those settings and services are licensed, maintained and operated as separate and distinct entities.
- k) Renewal of Certification
- 1) Unless the SLF is notified by the Department 30 days prior to termination of the contract, the certification is renewable upon submission of an application to the Department and the payment of a non-refundable \$500 application fee.
 - 2) Filing of an application for renewal of the certification and payment of the fee before the date of expiration extends the effective date of expiration until the Department takes action upon such application.
 - 3) The Department shall refuse to renew a certification, pursuant to Section 146.280, if the SLF is not in compliance with all applicable laws and statutes, ordinances, codes or Department rules and requirements for the SLF.
- l) The SLF shall comply with enrollment conditions identified in 89 Ill. Adm. Code 140.11.
- m) The SLF shall comply with the Americans with Disabilities Act of 1990.
- (Source: Added at 22 Ill. Reg. 4430 - effective FEB 27 1998)
- Section 146.220 Resident Participation Requirements
- a) The SLF may admit or retain Medicaid residents whose needs can be met through the services described in Section 146.230. This person would typically have a score of 29-40 on the Determination of Need (DON) and need assistance in one or more activities of daily living. These persons must meet all of the following criteria:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Be age 22 years or over with a disability (as determined by the Social Security Administration) or elderly (age 65 years or over).
- 2) Be screened by one of the State's authorized screening agents and found to be in need of nursing facility level of care. Persons transferring from a nursing facility to an SLF must be screened prior to admission to an SLF and found to be in need of nursing facility level of care.
- 3) Be without a primary or secondary diagnosis of developmental disability or chronic mental illness. (Developmental disability is defined as a disability which is attributable to mental retardation or a related condition.)
- 4) Be certified by a physician as needing nursing facility level of care.
- 5) Have income no less than the current maximum allowable amount of Supplemental Security Income (SSI) for a single person. Two individuals sharing an apartment may qualify for SLF services if each individual has income equal to or greater than the individual's share of the SSI rate for a couple.
- b) All private pay individuals seeking admission to an SLF shall be screened by the State's authorized screening agents. Private pay individuals who choose to be admitted into an SLF when the screening assessment does not justify nursing facility level of care need not be denied access to the SLF. Private pay residents seeking to convert to Medicaid while residing in an SLF shall be screened prior to the point of conversion by the Department or its designee and shall be found to be in need of nursing facility level of care before Medicaid payment may be authorized.
- c) All individuals seeking admission to an SLF shall have documentation of a tuberculosis test administered in the three months prior to admission that indicates the absence of active tuberculosis.
- d) The SLF shall encourage families of residents with impairments that limit the resident's decision making ability to arrange to have a responsible party or guardian represent the resident's interests. All residents shall be presented information by the SLF about advance directives including the Durable Power of Attorney for Health Care.
- e) A Medicaid resident of an SLF cannot participate in the Department on Aging's Community Care Program or the Department of Human Services' Home Services Program.

(Source: Added at 22 Ill. Reg. 4430 =, effective
FEB 27 1998)

Section 146.225 Reimbursement for Medicaid Residents

- a) The service portion of the rate shall be paid by the Department on a monthly basis. The service portion of the rate shall be established by contract with the Department. The rate cannot exceed 75 percent

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- of the average nursing facility rate minus the average amount contributed from nursing facility resident income for a like population for the geographic area. The only exception to this rule shall be for rehabilitated nursing facilities whose average facility rate for this population is higher than the average long term care rate based on their geographic area. When this occurs, the higher rate shall be utilized when establishing the SLF rate. During the initial phase of the project, the rate shall be effective for two years.
- b) Single Occupancy: Each Medicaid resident of an SLF shall be allotted \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the current SSI rate for a single individual less \$90 for room and board charges. Any income remaining after deduction of the protected \$90 and room and board charges shall be applied first towards medical expenses not covered under the Department's Medical Assistance Program. Any income remaining after that shall be applied to the charges for SLF services paid by the Department.
- c) Double Occupancy: In the event a Medicaid eligible resident chooses to share an apartment, the Medicaid resident of an SLF shall be allotted \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the resident's share of the current SSI rate for a couple less \$90 for room and board charges. The room and board rate for two Medicaid eligible individuals sharing an apartment cannot exceed the SSI rate for a married couple even if the two individuals sharing an apartment are unrelated. Any income of an individual remaining after deduction of the protected \$90 and room and board charges shall be applied first towards that individual's medical expenses not covered under the Department's Medical Assistance Program. Any income of an individual remaining after that shall be applied to that individual's charges for SLF services paid by the Department. If one, or both, of the individuals sharing an apartment is not Medicaid eligible, the SLF is free to negotiate its own rate with the non-Medicaid individual or individuals.
- d) The room and board charge for Medicaid residents shall only be increased when the SSI amount is increased. Any room and board charge increase shall not exceed the amount of the SSI increase.
- e) No SLF payment shall be made by the Department during a Medicaid resident's temporary absence from the SLF when the absence is due to situations including but not limited to hospitalization or vacation. The resident shall continue to be responsible for room and board charges during any absence. Nursing facilities that have a distinct part certified as an SLF shall not consider converted beds in the nursing facility's licensed capacity when calculating the 93 percent occupancy level for bed reserve payment pursuant to 89 Ill. Adm. Code 140.523.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 22 Ill. Reg. 4430, effective FEB 27 1998)

Section 146.230 Services

- a) An SLF must combine housing, personal and health related services in response to the individual needs of residents who need help in activities of daily living. Supportive services shall be available 24 hours per day to meet scheduled and unscheduled needs in a way that promotes resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and autonomy in a residential setting.
- b) The payment rate received by the SLF from the Department for services provided in accordance with this Section shall constitute the full and complete charge for services rendered. Additional payment, other than patient credits authorized by the Department, may not be accepted.
- c) Nursing Services
- 1) The SLF shall provide for an assessment and service plan pursuant to Section 146.245, initially and annually thereafter, for each SLF resident.
 - 2) When a resident is temporarily unable to administer his or her own medications, the medications shall be administered by a licensed nurse.
 - 3) Nursing services shall include medication set-up (such as preparing weekly pill caddies with that week's medication) and follow-up care that is conducted by a licensed nurse.
 - 4) Other nursing services include episodic and intermittent health promotion or disease prevention counseling and teaching self-care in meeting routine and special health care needs that can be done by other staff under the supervision of a registered nurse.
 - 5) All nursing services shall be provided in accordance with the Illinois Nursing Act of 1987 [225 ILCS 65].
- d) Personal Care
- 1) The SLF shall provide personal care services for residents, including but not limited to assistance with bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and transfer.
 - 2) Upon request by the resident, the SLF shall assist in making medical appointments and arranging for transportation to and from the source of medical treatment (payment for medical transportation shall be made in accordance with 89 Ill. Adm. Code 140.490 through 140.492).
- e) Medication Oversight and Assistance in Self-Administration
- 1) Reminding the resident to take his or her medications;
 - 2) Taking medication from where it is stored in the apartment and handing it to the resident when requested to do so by the resident;
 - 3) Opening or uncapping medication containers for physically

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 4) impaired residents; and
- Assisting physically impaired residents in the removal of the medication from the container and assisting the resident in consuming or applying the medication when requested to do so by the resident (i.e., placing a dose in a container and placing the container to the mouth of the resident).

f) Meals

- 1) The SLF shall provide three meals per day, or two meals per day (noon and evening meals) and a breakfast bar. The meals shall include therapeutic diets as ordered by a physician. The daily food allowance for each resident shall meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board, National Research Council.
- 2) The SLF shall make available beverages, including coffee, fruit juice and snack foods. This may be accomplished through the use of vending machines.
- 3) The same menu options shall be offered to all residents regardless of payment source unless there are therapeutic diets ordered by a physician.
- 4) All menus served shall be kept on file for not less than four months.
- 5) Supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two day period shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu.
- 6) Records of all food purchased shall be kept on file for not less than 18 months.
- 7) The SLF shall store, prepare, distribute and serve food in a manner to protect against contaminants and spoilage and to insure the preparation and serving of food at safe and palatable temperatures.
- 8) The SLF shall provide and maintain clean and sanitary central kitchen and dining areas. The SLF shall ensure a sanitary and adequate supply of eating and drinking utensils and pots and pans for preparing food in the central kitchen and dining areas.
- 9) Residents shall be provided with written information about menu plans. Menu cycles shall not be repeated within a one week time frame. There shall be an established mechanism for residents to provide input into the selection and preparation of food.
- 10) Residents may obtain, prepare and store food in residential apartments if doing so does not represent a health or safety hazard to others.
- 11) Each resident shall be provided with meal service in his or her apartment as a time limited service during periods of documented illness.

g) Laundry

- 1) Laundry service shall be provided by the SLF if requested by a

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

resident.
The SLF shall provide for the appropriate handling, cleaning, and storage of routine personal laundry, laundry soiled with body secretions and all other laundry. This includes all detergent and fabric softeners required to perform normal routine laundry service at no cost to the resident.

- 3) The SLF shall provide on-site laundry equipment for resident use in accordance with Section 146.210.
- 4) Laundry service does not include dry cleaning services.

h) Housekeeping

The SLF shall provide for general housekeeping services at least weekly (house cleaning, laundry, bed making, changing of linens, dusting and vacuuming).

- 2) All housekeeping services provided in residential apartments shall take into account individual habits and lifestyle preferences.

- 3) All public areas shall be maintained in a clean and orderly condition.

All bathing rooms shall be maintained in a clean and orderly condition.

i) Maintenance

Residential apartments shall be maintained in good repair.

- 2) The building and grounds shall be maintained clean and free of hazards, with all systems maintained in good working order.

j) Social and Recreational Programming

The SLF shall facilitate the involvement of individual and community volunteer activities with and for residents.

- 2) The SLF shall provide programs at least twice weekly, which include on-site programs as well as off-site trips, allowing for social and recreational programs for the residents. Transportation shall be provided by the SLF for scheduled activities off-site.

- 3) The SLF shall provide access to opportunities for scheduled and unscheduled individual and group socialization within the SLF and in the larger community.

k) Ancillary Services

The SLF shall provide transportation for scheduled group shopping and other community and social activities.

- 2) The SLF shall assist a resident in obtaining needed and preferred services offered outside the SLF at his or her request.

- 3) When a resident is temporarily unable to shop, the SLF shall provide shopping assistance.

l) 24 Hour Response/Security Staff

- 1) Response/Security Staff shall be available on the premises 24 hours a day to respond to scheduled or unpredictable needs and emergency calls from residents. Staff shall possess certification in emergency resuscitation. The SLF shall provide one staff person for facilities with ten to 75 apartments, and a

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

second staff person for facilities with 76 to 150 apartments.
Security shall be provided 24 hours a day and shall include lockable entrances (accessibility controlled by SLF staff for security purposes during overnight hours) and on-site personnel. All residents shall have 24 hour access.

- 3) Rehabilitated nursing facilities participating in SLF shall have separate staff on-site in the SLF.

- m) Health Promotion and Exercise Programming
 - 1) The SLF shall offer and encourage the use of health promotion and exercise programs for its residents.

- 2) The SLF shall develop programs to be held not less frequently than three times per week geared toward promoting better health and fitness of the residents. These programs are in addition to the social and recreational programming described in this Section.

n) Emergency Call System

- 1) At least two electronic devices shall be available in each apartment to enable the resident to secure help in an emergency. One device shall be located in each bathroom. The second device shall be located in the bedroom.

- 2) Electronic devices shall be available in each common area and each laundry room for resident use to enable residents to secure help in an emergency.

(Source: Added at 22 Ill. Reg. 4430, effective

FEB 27 1993)

Section 146.235 Staffing

- a) The SLF shall ensure that a manager shall be at the SLF during normal business hours plus whenever necessary to ensure attention to the management and administration of the resident contracts. Staff shall have access to the manager or the manager's designee at all times. The manager shall have at least five years experience in providing health care services to adults with disabilities or the elderly population either in an assisted living program, inpatient hospital, long term care setting, adult day care or in a Department approved health related field. The manager shall also have at least two years of progressive management experience.
- c) Licensed and certified staff sufficient in number to meet the needs of residents in conjunction with the contractual agreements shall be provided.
- d) Nursing facility staff may be utilized in a rehabilitated nursing facility but may not be on duty in both the nursing facility and SLF at the same time.
- e) Staff shall receive documented training by qualified individuals in their area or areas of responsibility. Training shall be geared toward the manner in which services are to be performed and include

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

techniques for working with persons with disabilities and the elderly populations. This training may have occurred prior to employment with the SLF or may occur after employment begins. In any case, the training shall take place no later than 30 days after beginning employment with the SLF. Staff shall be provided with and the SLF shall provide evidence of semi-annual training in areas related to their employment. All training materials shall be available for review by the Department.

- f) The SLF shall employ certified nursing assistants who are at least 18 years of age and comply with the following:

- 1) Qualifications:
 - Must have successfully completed, or be enrolled in and actively pursuing completion of, a nursing assistant training course or a Department of Public Health approved equivalent training and competency evaluation.
- 2) Job responsibilities shall include, but not be limited to:
 - A) Follow and help carry out a resident's written service plan;
 - B) Provide personal care services for residents, including but not limited to bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and assistance with transfer;
 - C) Observe the resident's functioning, maintain written records of the observations and report any changes to the licensed nurse; and
 - D) Attend initial training, in-service training sessions and staff conferences.
- g) At a minimum, the SLF shall contract with a dietitian who shall come on-site at least twice per quarter for a period of not less than a cumulative total of eight hours. The dietitian shall comply with the following:
 - 1) Qualifications:

The dietitian is a person who:

 - A) is eligible for registration by the American Dietetic Association; or
 - B) has a baccalaureate degree with major studies in food and nutrition, dietetics and food service management, has one year of supervisory experience in the dietetic service of a health care institution and participates annually in continuing dietetic education.
 - 2) Job responsibilities shall include, but not be limited to, consultation and training in all food service procedures such as menu planning and review, food preparation, food storage, food service, safety, sanitation and management of therapeutic diets.
- h) The SLF shall employ a minimum of one cook who shall have at least one year of experience in commercial food preparation.
- i) Twenty-four hour response staff shall be at least 18 years of age with a high school diploma or a GED. Response staff shall possess certification in emergency resuscitation. The staff shall respond to

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

scheduled or unpredictable needs and emergency calls from residents. Nurses on staff, or subcontracted for, shall be licensed by the State of Illinois and shall be responsible for nursing services set forth in Section 146.230.

k) The SLF shall designate a trained staff person to be responsible for planning and directing social and recreational activities. This person shall be at least 18 years of age with a high school diploma or a GED.

(Source: Added at 22 Ill. Reg. 1430 effective FEB 27 1998)

Section 146.240 Resident Contract

- a) The SLF shall have a signed contract with each resident which specifies the terms of his or her agreement.
- b) The resident contract shall include, but not be limited to, the following:
 - 1) Information regarding SLF services the resident will receive that are covered under Medicaid;
 - 2) Arrangements for payment;
 - 3) A grievance procedure that meets the requirements of Section 146.260;
 - 4) The SLF's agreement to comply with applicable federal, State and local laws and regulations;
 - 5) The conditions under which the resident contract may be terminated by either party;
 - 6) Rules for conduct and behavior of the staff, management and the resident; and
 - 7) A list of the resident rights as stated in Section 146.250.
- c) The resident contract may include the agreement of the SLF to provide, for a fee, additional services such as barber or beauty services, sundries for personal consumption and other amenities.
- d) The resident contract shall be for a term not to exceed one year and may be renewable upon the agreement of both parties.
- e) The resident contract shall address arrangements where two individuals wish to share an apartment even if one of the two individuals is not eligible for SLF services. The individuals may be related or unrelated. In the event of one resident's death or discharge, the resident contract shall include provisions that offer the remaining resident who is not receiving SLF services the option to be released from the contract immediately, if desired by the resident, or to remain in the SLF until the expiration of the resident contract as long as he or she remains in compliance with the terms of the resident contract.
- f) The SLF shall ensure that all SLF materials, including the resident contract, shall be in a language appropriate to the resident population.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 22 Ill. Reg. 4430, effective FEB 27 1998)

Section 146.245 Assessment and Service Plan and Quarterly Evaluation

- a) Assessment: The SLF provider shall conduct a standardized interview geared toward the resident's service needs at or before the time of occupancy. The SLF shall complete an assessment within 24 hours of admission and annually thereafter. The assessment shall be completed by, or co-signed by, a registered nurse.
- b) Service Plan: A written service plan shall be developed within seven days after completion of the assessment by, or co-signed by, a registered nurse, with input from the resident and his or her designated representative. The service plan shall include a description of expected outcomes, approaches, frequency and duration of services provided and whether the services will be provided by licensed or unlicensed staff. The service plan shall document any services recommended by the SLF that are refused by the resident. The service plan shall be reviewed and updated in conjunction with the quarterly evaluation or as dictated by changes in resident needs or preferences.
- c) Quarterly Evaluation: A quarterly evaluation of the health status of each resident using a Department designated form or the MDS quarterly shall be completed by, or co-signed by, a registered nurse.
- d) The SLF shall have procedures in place to alert the resident, his or her physician and his or her representative, as designated, when a change in a resident's mental or physical status is observed by staff. Such reporting shall be within 24 hours after observation. The SLF staff shall be responsible for reporting only those changes that should be apparent to observers familiar with the conditions of older persons and persons with disabilities.

(Source: Added at 22 Ill. Reg. 4430, effective FEB 27 1998)

Section 146.250 Resident Rights

- a) Residents shall be afforded all rights guaranteed under the Constitutions of the United States and Illinois, federal, State and local statutes and the Department's administrative rules.
- b) Residents shall be informed of all rights in conjunction with any contracted housing and services.
- c) Each resident shall have the right to:
 - 1) Be free from mental, emotional, social, and physical abuse and neglect and exploitation;
 - 2) All housing and services for which he or she has contracted and paid;
 - 3) Have his or her records kept confidential and released only with

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 4) Have access to his or her records with 48 hours notice (excluding weekends and holidays);
- 5) Have his or her privacy respected;
- 6) Refuse to receive or participate in any service or activity once the potential consequences of such refusal have been explained to the resident and a negotiated risk agreement has been reached between the resident, his or her designated representative and the service provider, so long as others are not harmed by the refusal;
- 7) Arrange and receive non-Medicaid covered services not available from the contracted SLF service provider at the resident's expense so long as the resident does not violate conditions specified in the resident contract;
- 8) Remain in the SLF, forgoing recommended or needed services from the SLF or available from others. A resident electing to remain without recommended or needed services shall acknowledge that the decision was made against the advice of the SLF, family or health care professional and shall indemnify the SLF from any liability resulting from adverse outcomes specifically associated with the decision to forgo recommended service. The SLF shall retain the right to advise a resident that the right to remain in place is restricted, as explicitly stated in the resident contract. Such indemnity agreements shall be specific to the assumed risk negotiated and do not waive general obligations of providers;
- 9) Be free of physical restraints unless required during an emergency;
- 10) Control his or her time, space, and lifestyle to the extent the health, safety and well-being of others are not disturbed;
- 11) Consume alcohol and use tobacco in accordance with SLF policy specified in the resident contract and any applicable statutes;
- 12) Have visitors of his or her choice to the extent the health, safety and well-being of others are not disturbed and the provisions of the resident contracts are upheld;
- 13) Have roommates only by resident choice;
- 14) Be treated at all times with courtesy, respect and full recognition of personal dignity and individuality;
- 15) Make and act upon decisions (except those decisions delegated to a legal guardian) so long as the health, safety and well-being of others are not endangered by his or her actions;
- 16) Participate in the development, implementation and review of his or her service plans;
- 17) Maintain personal possessions to the extent they do not pose a danger to the health, safety and well-being of the resident and others;
- 18) Store and prepare food in his or her apartment to the extent the health, safety and well-being of the resident and others is not endangered and provisions of the resident contract are not

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

violated;

- 19) Designate or accept a representative to act on his or her behalf;
- 20) Not be required to purchase additional services that are not part of the resident contract; and
- 21) Not be charged for additional services unless prior written notice is given to the resident of the amount of the charge.

(Source: Added at 22 Ill. Reg. 4430, effective FEB 27 1993)

Section 146.255 Discharge Criteria

- a) If a resident does not meet the terms for occupancy as stated in the resident contract, discharge proceedings shall not commence until there has been discussion with the resident and his or her designated representative concerning the reason for involuntary discharge.
- b) The SLF shall provide a resident with 30 days written notice of proposed discharge unless such a delay might jeopardize the health, safety, and well-being of the resident or others.
- c) The SLF shall prepare plans to ensure safe and orderly discharge and protect resident health, safety, welfare and rights.
- d) A resident may be involuntarily discharged only if one or more of the following occurs:
 - 1) He or she poses an immediate threat to self or others.
 - 2) He or she needs mental health services to prevent harm to self or others.
 - 3) He or she has breached the conditions of the resident contract.
 - 4) The SLF has had its certification terminated, suspended, not renewed, or has voluntarily surrendered its certification.
 - 5) The SLF cannot meet the resident's needs with available support services.
 - 6) The resident has received proper notice of failure to pay by the SLF. This subsection (d)(6) does not apply to Medicaid residents when the failure to pay relates to the Medicaid payment.

- e) The notice required in subsection (b) of this Section shall not apply in any of the following instances:
 - 1) When an emergency discharge is mandated by the resident's health care or mental health needs and is in accord with the written orders and medical justification of the attending physician.
 - 2) When the discharge is mandated to ensure the physical safety of the resident and other residents as documented in the resident record.

- f) The notice required in subsection (b) of this Section shall be on a form prescribed by the Department and shall contain all of the following:
 - 1) The stated reason for the proposed discharge;
 - 2) The effective date of the proposed discharge;
 - 3) A statement in not less than 14-point type, which reads: "You

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

have a right to appeal the SLF's decision to discharge you. You may file a request for a hearing with the Department within ten days after receiving this notice. If you request a hearing, you will not be discharged during that time unless you are unsafe to yourself or others. If the decision following the hearing is not in your favor, you will not be discharged prior to the tenth day after receipt of the Department's hearing decision unless you are unsafe to yourself or others. A form to appeal the SLF's decision and to request a hearing is attached. If you have any questions, call the Department at the telephone number listed below."

- 4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and
- 5) The name, address, and telephone number of the person charged with the responsibility of supervising the discharge.
- g) A request for hearing made under subsection (f) of this Section shall stay a discharge pending a hearing or appeal of the decision, unless a condition which would have allowed discharge in less than 30 days as described under subsections (e)(1) and (2) of this Section develops in the interim.
- h) A copy of the notice required by subsection (b) of this Section shall be placed in the resident's record and a copy shall be transmitted to the resident and the resident's designated representative.
- i) When nonpayment is the basis for involuntary discharge, the resident shall have the right to redeem up to the date that the discharge is to be made and then shall have the right to remain in the SLF.
- j) In determining whether a discharge is justified, the burden of proof in the hearing rests with the entity requesting the discharge.
- k) If the Department determines that a discharge is justified under subsection (d) of this Section, the resident shall not be required to leave the SLF before the tenth day after receipt of the Department's hearing decision unless a condition which would have allowed discharge as described under subsections (e)(1) and (2) of this Section develops in the interim.
- l) The SLF shall offer relocation assistance to residents discharged under this Section, including information on available alternative placements. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements. Where an emergency makes prior resident involvement impossible, the SLF may arrange for a temporary placement until a final placement can be arranged. The SLF may offer assistance in relocating from a temporary to a final placement.
- m) When a resident discharges on a voluntary basis, he or she shall provide the SLF with 30 days written notice of intent to discharge, except where a delay would jeopardize the health, safety, and well-being of the resident or others.
- n) In cases of discharge under subsection (d), (e), (m) or (o) of this Section, the resident is no longer bound by the resident contract.
- o) The Department may discharge any resident from an SLF when any of the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

following conditions exist:

- 1) The Department has terminated or suspended the SLF certification.
- 2) The SLF is closing or surrendering its certification and arrangement for relocation of the resident has not been made at least 30 days prior to closure or surrender.
- 3) The Department determines that an emergency exists which requires immediate discharge of the resident.
- p) In the event of a Department initiated discharge, the Department may offer relocation assistance to residents. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements.

(Source: Added at 22 Ill. Reg. 4430, effective FEB 27 1998)

Section 146.260 Grievance Procedure

- a) The SLF shall establish a grievance procedure for reviewing grievances registered by, or on behalf of, all residents. All residents shall be informed that a grievance procedure exists.
- b) Records shall be maintained and made available to the Department on all written grievances and the response and disposition of such grievances by the SLF.

(Source: Added at 22 Ill. Reg. 4430, effective FEB 27 1998)

Section 146.265 Records Requirements

- a) Each SLF shall develop and maintain confidential written resident records which shall include, but are not limited to:
 - 1) Assessment;
 - 2) Resident contract;
 - 3) Service plan;
 - 4) Progress notes that shall be used to document any significant involvement with the resident and results of and changes in the service plan; and
- 5) Resident satisfaction survey.
- b) Each SLF shall develop and maintain confidential written personnel records that shall include, but are not limited to:
 - 1) Job description;
 - 2) Educational preparation and work experience;
 - 3) Current licensure or certification, if applicable;
 - 4) Documentation of annual performance evaluation;
 - 5) Documentation that employee has received personnel policies and procedures;
 - 6) Documentation of on-going staff training; and
 - 7) Documentation of a tuberculosis test administered annually which

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

indicates the absence of active tuberculosis.

- c) The SLF shall be responsible for generating and submitting to the Department the following reports in a format and medium designated by the Department with the frequencies as specified:

- 1) Personnel Report, which shall be due initially and semi-annually thereafter. The report shall contain a list of all SLF staff listing the names, titles, salaries, and total hours worked during the semi-annual period. This listing shall include the services to be performed and services outside of the service package.
- 2) Resident Identification Report, which shall be due monthly. The report shall be in two parts, one for Medicaid residents and one for private pay residents. Each part shall contain an alphabetical list of residents residing in the SLF, including their names, case identification and recipient numbers for Medicaid residents or Department designated identifying numbers for private pay residents, dates of admission and dates of discharge.
- 3) Utilization Data Report, which shall be due quarterly. The report shall be in two parts, one for Medicaid residents and one for private pay residents. Each part shall be organized alphabetically by resident and include a listing of all services provided to residents. For each resident, data shall include case identification and recipient numbers for Medicaid residents or Department designated identifying numbers for private pay residents, dates of service, service codes and units of service. Services reported for each resident shall be grouped by those services which were delivered by the SLF and those delivered by subcontractors.
- 4) Health Care Related Subcontractors and Manager Report, which shall be due initially and as changes occur thereafter.
- 5) Financial Statements, which shall be due annually.
- d) Retention of all records shall be in accordance with provisions of 89 Ill. Adm. Code 140.28, the Federal Privacy Act (5 U.S.C. Section 552a), the Freedom of Information Act (5 ILCS 140), the Comptroller Act (30 ILCS 505) and the State Public Records Act (5 ILCS 160). The SLF shall provide the Department or its designee with access to financial and other records which pertain to covered services. The SLF shall keep separate fiscal records in accordance with acceptable accounting procedures.

(Source: Added at 22 Ill. Reg. 4430, effective FEB 27 1998)

Section 146.270 Quality Assurance Plan

Each SLF shall be responsible for establishing an effective, internal quality assurance plan that encompasses oversight and monitoring, peer review,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

utilization review, resident satisfaction and ongoing quality improvement and implementation of any corrective action plans that address improved quality services. The quality assurance plan shall include:

- a) Results of the resident satisfaction survey identified in Section 146.215 and responses to resident concerns.
- b) Evaluation of care and services pursuant to accepted standards and practices and the service needs of the resident population.
- c) Tracking of improvements based on care outcomes such as changes in activities of daily living, resident response to services and other indicators of service quality listed in subsection (d) of this Section.
- d) A system of indicators of service quality measuring:
 - 1) Quality of services provided;
 - 2) Resident rating of the services, including food service;
 - 3) Cleanliness and furnishings of the common area;
 - 4) Service availability;
 - 5) Adequacy of service provision and coordination;
 - 6) Provision of safe environment;
 - 7) Socialization activities; and
 - 8) Resident autonomy which includes:
 - A) Protection of resident rights;
 - B) Provision of appropriate oversight for vulnerable residents; and
 - C) Resident exercise of personal autonomy and choice.

- e) Procedures for preventing, detecting and reporting resident neglect and abuse.
- f) Development of objectives for improving service quality, including the service quality indicators and measures to determine when objectives are met.
- g) Evidence of ongoing quality improvements as a result of the quality review data.

- h) A committee formed to organize and proceed with the required reviews for both the health care professionals and social service providers of the SLF staff or to serve in a contractual relationship with the SLF which shall include:
 - 1) A regular schedule for review, and
 - 2) A system to evaluate the process and methods by which care is given by specific providers in accordance with the service plan developed by the SLF licensed nursing staff and approved by the resident.

(Source: Added at 22 Ill. Reg. 4430 = , effective FEB 27 1998)

Section 146.275 Monitoring

- a) Monitoring and any oversight of the SLF shall be conducted by the Department or its designee.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- b) Designated Department staff shall coordinate the program, provide technical assistance and monitor compliance no less often than annually according to the items identified in Section 146.215(d)(3).
- c) The Department shall investigate all complaints within seven days after receipt from a resident, a resident's designated representative or others expressing concern related to the health and safety of the residents. The Department reserves the right to conduct a full certification review or to make referrals to other appropriate entities for additional action if the results of a complaint investigation indicate the need to do so.
- d) An SLF shall not restrict or hamper access by Department designated staff to the building, residents or designated records required to conduct routine or periodic reviews or investigations. A resident may limit access to his or her private dwelling space to inspectors, except for suspected violations that may pose a threat to the resident's or others' health, safety or well-being. A resident may also elect to limit access to himself or herself and his or her records, except as required as a condition of payment for housing and services by a third party.

(Source: Added at 22 Ill. Reg. 4430 = , effective FEB 27 1998)

Section 146.280 Termination or Suspension of SLF Provider Agreement

- a) The Department may terminate or suspend or not renew the provider agreement subject to the provisions of 89 Ill. Adm. Code 140.16.
- b) In the event that an SLF is found to be out of compliance with certification requirements during an on-site certification review or complaint investigation, the following procedure shall be used:

- 1) The Department shall mail a written notice to the SLF within ten days after the conclusion of the on-site review giving the SLF 30 days to correct the non-compliance issue or issues unless the non-compliance involves immediate jeopardy to the health and safety of residents.

- 2) For non-compliance involving immediate jeopardy, the Department shall provide a written notice to the SLF within five days after the conclusion of the on-site review giving the SLF ten days to correct the non-compliance issue or issues. The immediate jeopardy must be corrected within ten days after the date of receipt of the notice. No extension of the ten day period shall be granted.

- 3) The SLF shall mail a written notice to the Department within 30 days after the date of the Departmental notice of non-compliance notifying the Department that the non-compliance issue or issues are corrected or requesting an extension of the 30 day period to a specific date with any explanation or documentation necessary to justify the extension.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 4) The Department shall mail a written decision to the SLF within ten days after receipt of the request to extend the 30 day correction period.
- 5) The Department shall conduct the first follow-up review within ten days after the conclusion of the ten day immediate jeopardy correction period or within 30 days after the SLF notice date for other non-compliance issues.
- 6) In cases of immediate jeopardy, if the first follow-up review continues to show immediate jeopardy, the Department shall take action to suspend or terminate the provider agreement according to 89 Ill. Adm. Code 104.208, Notice of Intent to Terminate, Suspend, or Not Renew Provider Agreement. In cases of immediate jeopardy, where the first follow-up review shows that the immediate jeopardy has been abated, but other non-compliance issues exist, the facility shall be granted a further 30 day period to correct the non-compliance issues.
- 7) If the first 30 day follow-up review continues to show non-compliance, the facility shall be granted a second 30 day period to correct the non-compliance issues.
- 8) The SLF shall have 30 days to correct any new non-compliance issues cited during a follow-up survey.
- 9) The SLF shall be required to submit a written notice identified in subsection (b)(3) of this Section prior to the Department conducting a second or any subsequent follow-up survey.
- 10) If the second follow-up review continues to show non-compliance with previously cited issues, the Department shall take action to suspend or terminate the provider agreement according to 89 Ill. Adm. Code 104.208, Notice of Intent to Terminate, Suspend, or Not Renew Provider Agreement.
- c) The Department will continue to make payments during the pendency of the administrative proceedings set forth in subsection (b) of this Section until a final administrative decision terminating or suspending the provider agreement is issued, for services rendered to Medicaid residents residing in the SLF on the date of the Department's notice sent pursuant to subsection (b) (10) of this Section. If a final administrative decision terminating or suspending the provider agreement is issued, payments for such services rendered to such persons will cease as of the date the decision is issued, and shall recommence only if and when the SLF is recertified as being in compliance with program requirements.
- d) The SLF shall not admit any new residents after receipt of the notice sent pursuant to subsection (b)(10) of this Section. New admissions may recommence only if and when the SLF has been recertified as being in compliance with program requirements.

(Source: Added at 22 Ill. Reg. 4430, effective FEB 27 1998)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 146.285 Voluntary Surrender of Certification

An SLF shall inform the Department in writing if it intends to voluntarily surrender its certification from the Medicaid program. The notification shall be received by the Department at least 90 days prior to the date of surrender. The Department will make SLF payments only through the day prior to the effective date of voluntary surrender. Notice by the SLF shall be given to residents pursuant to Section 146.255.

(Source: Added at 22 Ill. Reg. 4430, effective FEB 27 1998)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Emergency Action:
112.78 Amendments

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) Effective Date of Amendments: February 24, 1998

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date filed in Agency's Principal Office: February 24, 1998

8) Reason for Emergency:

Changes are necessary, immediately, in the Work First program. Two years ago, the Targeted Work Initiative (TWI) Program was begun. Under TWI, participants whose youngest child is age 13 or over are required to be working within two years in order to receive Temporary Assistance for Needy Families (TANF) benefits. That two-year period is just about over for some families.

The changes made to the Work First Program by these emergency amendments will allow Work First to be used as a safety net for those families in TWI who hit the two-year limit but where the caretaker relative is not working. As long as the individual is in the Work First Program, the family will remain on TANF even if the two-year period has expired. If the caretaker relative then gets a job, TANF eligibility will be determined pursuant to current rules. Work First for non-TWI individuals must be changed at the same time to keep a single set of Work First rules.

9) A Complete Description of the Subjects and Issues Involved:

This rulemaking provides for both the TANF cash assistance and the Food Stamp Programs to be worked off by participation in the Work First Program for both TWI and non-TWI participants. By combining the food stamps and the cash assistance grant, the Department will be able to place more clients in the Work First Program which will allow the Department to meet the federal participation rate. These amendments will also act as a safety net for TWI individuals who have reached their 24-month limit.

Work First/Pay After Performance for TWI Participants

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

These amendments establish that TWI participants in Work First must work at least 80 hours per month (20 hours per week for single-parent cases) or 120 hours per month (30 hours per week for two-parent cases) in an assigned Pay After Performance position to earn their TANF grant and food stamps. If the participant does not work 80 hours per month for single-parent cases or 120 hours per month for two-parent cases, the reduction per hour not worked will be the amount of the grant divided by 80 hours or 120 hours respectively. Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case will be ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

Work First/Pay After Performance for Non-TWI Participants

These amendments establish that individuals in a TANF case, assigned to Work First, must participate in Work First an average of at least 20 hours each week to earn their TANF grant and food stamps. Nonexempt individuals in a two-parent case must participate an average of at least 30 hours each week in Work First and 5 additional hours in Job Search and/or job club activities. Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case will be ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

10) Are there any other amendments pending on this Part? No

11) Statement of Statewide Policy Objectives (if applicable): Not Applicable

12) Information and questions regarding these amendments shall be directed to:

Mrs. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Building
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begin on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section
 112.1 Description of the Assistance Program
 112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.8 Caretaker Relative
 112.9 Client Cooperation
 112.10 Citizenship
 112.20 Residence
 112.30 Age
 112.40 Relationship
 112.50 Living Arrangement
 112.52 Social Security Numbers
 112.54 Assignment of Medical Support Rights
 112.60 Basis of Eligibility
 112.61 Death of a Parent (Repealed)
 112.62 Incapacity of a Parent (Repealed)
 112.63 Continued Absence of a Parent (Repealed)
 112.64 Unemployment of the Parent (Repealed)
 112.65 Responsibility and Services Plan
 112.66 Alcohol and Substance Abuse Treatment
 112.67 Restriction in Payment to Households Headed by a Minor Parent
 112.68 School Attendance Initiative
 112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section
 112.70 Employment and Work Activity Requirements
 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
 112.72 Participation/Cooperation Requirements
 112.73 Adolescent Parent Program (Repealed)
 112.74 Responsibility and Services Plan
 112.75 Teen Parent Personal Responsibility Plan (Repealed)
 112.76 TANF Orientation
 112.77 Reconciliation and Fair Hearings

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

112.78 TANF Employment and Work Activities
 112.79 Sanctions
 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
 112.81 Responsible Relative Eligibility for JOBS (Repealed)
 112.82 Supportive Services
 112.83 Teen Parent Services
 112.84 Work Experience Evaluation Project (Repealed)
 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section
 112.86 Project Advance (Repealed)
 112.87 Project Advance Experimental and Control Groups (Repealed)
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.90 Project Advance Sanctions (Repealed)
 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
 112.93 Individuals Exempt From Project Advance (Repealed)
 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section
 112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump-Sum Payments
 112.128 Protected Income (Repealed)
 112.130 Earned Income
 112.131 Earned Income Tax Credit

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Employed Applicants
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income from Work-Study and Training Programs
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels
 112.252 Payment Levels in Group I Counties
 112.253 Payment Levels in Group II Counties
 112.254 Payment Levels in Group III Counties
 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Reporting Requirements for Clients with Earnings
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior to 8/22/96
 112.308 Responsibility of Sponsors of Non-Citizens Entering the County on or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

After 8/22/96
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
 112.350 Child Care (Repealed)
 112.352 Child Care Eligibility (Repealed)
 112.354 Qualified Provider (Repealed)
 112.356 Notification of Available Services (Repealed)
 112.358 Participant Rights and Responsibilities (Repealed)
 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 112.364 Rates of Payment for Child Care (Repealed)
 112.366 Method of Providing Child Care (Repealed)
 112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility (Repealed)
 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
 112.408 Qualified Child Care Providers (Repealed)
 112.410 Notification of Available Services (Repealed)
 112.412 Participant Rights and Responsibilities (Repealed)
 112.414 Child Care Overpayments and Recoveries (Repealed)
 112.416 Fees for Service for Transitional Child Care (Repealed)
 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 5475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill.

Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. ~~4466~~, effective February 24, 1998, for a maximum of 150 days.

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.78 TANF Employment and Work Activities

a) Education (Below Post-Secondary)

Participants who are not working are limited to Adult Basic Education/GED/ESL and short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education schedule, to participate in Job Readiness activities, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged. In this activity, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (for example, GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Assignment to Education (Below Post-Secondary)
 - A) Individuals to be assigned to Education may include but are not limited to individuals:
 - i) who do not have a high school degree or equivalent;
 - ii) who have limited English proficiency; and
 - iii) who do not read at or above a 9.0 grade level.
 - B) Educational activities may be combined with other activities if it is determined appropriate.
- 2) Approval criteria for education (Below Post-Secondary)
 - A) The program selected by the individual must be accredited under State law.
 - B) The individual's program must be needed for the participant to complete his or her Responsibility and Services Plan.
 - C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
 - D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- 3) Participation Requirements
 - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
 - B) The individual must maintain participation of at least 75% of scheduled activities unless there is good cause for missing more.
 - C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:
 - i) active participation and pursuit of educational objectives;
 - ii) teacher's written remarks;
 - iii) grades;
 - iv) demonstrated competencies;
 - v) classroom exercises; and
 - vi) periodic test/retest results.
 - D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
 - E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
- F) Curriculum changes must be made with the prior approval of TANF staff and will be approved when the change is consistent with the Responsibility and Services Plan.
 - G) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 24 months except that the individual may continue in the education program if he or she also works for at least 20 hours each week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.
- b) Vocational Training
- Vocational Training is designed to increase the individual's ability to obtain and maintain employment. Vocational Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Vocational Training may include certificate programs. Participants who are not working are limited to short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education/training schedule, to participate in Job Readiness activities, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. A Vocational Training program lasting two years or more is regarded as Post-Secondary Education under this subsection (b).
- 1) Approval Criteria For Vocational Training
 - A) The individual's program must be accredited under requirements of State law.
 - B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
 - C) Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged if the individual does not have a high school diploma or GED.
 - D) The individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible. The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
 - E) Clients who are working at least 20 hours per week may be approved for education programs, including degree programs, to upgrade their skills consistent with their Personal Responsibility and Services Plan, to the extent resources
 - F) Clients who are working at least 20 hours per week may be approved for education programs, including degree programs, to upgrade their skills consistent with their Personal Responsibility and Services Plan, to the extent resources

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

allow.

- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's Responsibility and Services Plan upon completion.
- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- J) Vocational Training may be combined with other activities if it is determined appropriate.
- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

2) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
- C) The individual must participate the assigned number of hours each week.
- D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
- E) Curriculum changes must be made with the prior approval of TANF and will be approved when the change is consistent with the Responsibility and Services Plan.
- c) Job Readiness
 - 1) The Job Readiness activities are designed to enhance the quality

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. These activities help individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

- 2) Assignment to Job Readiness

Job Readiness activities may be combined with other activities if it is determined appropriate.
- 3) Participation requirements
 - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
 - B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search activity in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").
 - C) The individual must participate the number of assigned hours each week.
 - D) The individual must respond to a job referral, accept employment and respond to mail-in contact.
- d) Job Search
 - 1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search may include the provision of counseling, job seeking skills, training and information dissemination. Group Job Search may include training in a group session.
 - 2) Assignment to Job Search
 - A) If assessed as job ready, participants will be assigned to Job Search. If job ready clients are unable to find employment on their own at the end of six months, they will be reassessed and may be placed in a more appropriate activity.
 - B) Individuals completing education or vocational training or Job Readiness training may be assigned to Job Search.
 - C) Job Search may be combined with other activities if it is determined appropriate.
 - 3) Participation Requirements
 - A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.
 - B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable employer contacts in a 30-day period unless the participant

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
- ii) the participant makes less than the required number of acceptable employer contacts but came reasonably close to the required numbers in an effort to find work;
- iii) the participant fails a civil service or other employment screening test;
- iv) the participant completes an application which is not accepted by the employer;
- v) the participant's job search performance indicates that he or she should be in a different TANF activity; and
- vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.

C) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face contact with an employer or the employer's representative;
- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES/Illinois Employment and Training Center (IETC).

e) Community Work Experience
TANF participants who have not found employment and who need orientation to work, work experience or training are placed on a supervised work assignment to improve their employment skills through actual Work Experience at private or not-for-profit employers, organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) such as enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) for a Federal office or agency with its consent, and, notwithstanding (31

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

U.S.C 1342) or any other provision of law, such agency may accept such services but such participants shall not be considered to be Federal employees for any purpose.

- 1) Assignment to Community Work Experience

A) Community Work Experience is for:

- i) participants who will benefit from working for an employer who provides a subsidized employment assignment to improve the individual's opportunity to attain self-sufficiency; or
- ii) participants who need experience to prevent deterioration of, or to enhance, existing skills (for example, typing).

B) Entry into Community Work Experience

Participants are determined to be appropriate for Community Work Experience activity based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including, but not limited to, the individual's case record and Responsibility and Services plan).

C) Community Work Experience Positions

A participant shall be assigned to a Community Work Experience position to increase the individual's potential for attaining employment. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.

Community Work Experience activities may be combined with other activities if it is determined appropriate.

D) Enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.

2) Participation Requirements

A) The hours of the Work Experience assignment may not exceed 20 hours per week for participants in single parent TANF cases. The hours of the work assignment for a calendar month shall not exceed the family's TANF grant and food stamp allotment received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to 40 or 80 hours. The minimum number of hours that must be completed within a calendar month is 40 hours and the maximum number of hours that must be completed is 80 hours.

B) During work assignment, the participant shall be required to perform job search activities unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

D) The individual must participate the number of assigned hours each week.

3) Reassessment

Every six months, the participant's Responsibility and Services Plan will be reassessed. If continuing the work assignment will benefit the participant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the participant shall be reassigned to the same or another work assignment. In addition, the individual will be assessed for assignment to another TANF activity.

4) Length of Assignment

The individual must participate in Work Experience for as long as his or her Responsibility and Services Plan reflects the need for this activity.

5) Anti-Displacement

Community Work Experience is subject to the provisions of Section 112.78(s).

f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

1) Assignment to OJT

A) Job ready individuals may be assigned to OJT.

B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.

C) Wages to participants in OJT shall not be less than the higher of the State or federal minimum wage.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

D) Wages to participants in OJT are considered earned income.
E) OJT may be combined with other component activities if it is determined appropriate.

2) Participation Requirements
The individual must participate the assigned number of hours each week.

3) Supportive Services

Participants in OJT receive child care and Medicaid benefits through the TANF program.

g) Work Supplementation Program

1) The Work Supplementation Program develops employment opportunities for TANF recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of the Work Supplementation Program is to obtain jobs for TANF recipients, who might not be hired without a subsidy, with sufficient pay to take them off TANF.

2) Eligible Participants

A) TANF participants who meet the selection criteria listed in subsection (g)(2)(B) of this Section are eligible to participate in the Work Supplementation Program. Participation in the program is voluntary. A TANF recipient who wants to participate in the Work Supplementation Program must agree to all provisions in this Section during the time of participation in the program.

B) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, TANF recipients must meet the following criteria for selection to participate in the Work Supplementation Program:

- i) the recipient must be the parent of at least one of the children in the TANF unit;
- ii) the recipient must have completed the Job Search work activity; and
- iii) the recipient must have no income other than TANF benefits.

C) Recipients identified for employment must be determined eligible for participation by their worker. The worker will recommend for participation in the Work Supplementation program those participants who are likely to encounter difficulty in obtaining employment (for example, lack of skills for which jobs are available in the area, lack of work history).

D) Nothing in this Section should be construed as providing any recipient the right to participate in the program.

3) Benefits and Reporting Requirements While Participating in the Work Supplementation Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- A) Participants in the Work Supplementation Program are considered to be TANF recipients and remain eligible for Medical Assistance for the duration of their Work Supplementation Program participation. Child care, for cases that are eligible for a cash grant, will be regarded as employment child care.
- B) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time (30 hours minimum) at the prevailing minimum wage, less applicable payroll taxes.
- C) Participants are required to file quarterly reports as a requirement for continuing eligibility. Changes in income from sources other than the Work Supplementation Program job and/or circumstances must still be reported within five days after occurrence pursuant to 89 Ill. Adm. Code 102.50.
- D) Wages paid under a Work Supplementation Program shall be considered to be earned income for purposes of any provision of law (42 U.S.C 1614(e)(3)).

4) Duration of Program Participation

- A) Participants may not exceed a total of six months in the Work Supplementation Program subsidized placements regardless of the number of times an individual becomes a TANF recipient. The period of a single assignment is dependent upon the terms of the Work Supplementation Program contract that has been developed with the employer. Recipients will be informed of the length of the Work Supplementation Program subsidy period prior to placement.
- B) Participants who leave a supported work position without good cause (as defined in Section 112.80) are removed from the Work Supplementation Program and are subject to sanction.

5) Contracts with Employers

- A) Employers that participate in the Work Supplementation Program must enter into a written contract with the Department prior to receiving referrals.
- B) Employers must be in good standing (that is, in compliance with all applicable federal, State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.
- C) Employers agree to screen clients to hire on their own payroll after six months. Failure to do so will result in the employer being terminated from the program.

6) Calculation of the Diverted Grants

- A) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Work Supplementation Program is made. The effective date of the diverted grant is the first day of the first full month of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- Work Supplementation Program wages.
- B) Work Supplementation Program participants are eligible only for the earned income budgeting disregards provided in Sections 112.141 and 112.143. The difference between the flat grant amount and revised amount is diverted to the wage pool.
- C) The difference between the payment level and the grant the participant receives is diverted and used in whole or in part to pay a wage subsidy to the employer.
- 7) Program Completion
 - If the participant is no longer eligible for TANF benefits after the Work Supplementation Program period, a determination of continued medical eligibility shall be made in accordance with Section 112.330.
- 8) Anti-Displacement
 - The Work Supplementation Program is subject to the provisions of Section 112.78(s).

h) Post-Secondary Education

- Clients who are not working will not be approved for degree programs unless they can complete the program in one year or less. Clients who are working at least 20 hours per week may be approved for post-secondary education programs, including degree programs to upgrade their skills to the extent resources allow. Post-secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 [225 ILCS 410], the Real Estate License Act of 1983 [225 ILCS 455], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State Universities Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 680], ILCS 675], the Northeastern Illinois University Law [110 ILCS 685], the Northern Illinois University Law [110 ILCS 690] and the Southern Illinois University Name Change Act [110 ILCS 505].

1) Approval Criteria For Post-Secondary Education

- A) The individual must have a high school diploma or a GED.
- B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate to upgrade skills for current employment.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation or upgrade skills for current employment.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- E) The individual does not already possess a baccalaureate degree or an associate degree if the Responsibility and Services Plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) If needed, the individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's Responsibility and Services Plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- K) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree consistent with the Responsibility and Services Plan.
- L) The individual, unless enrolled in a full-time, short-term vocational training program of less than two years, must also be employed in unsubsidized work for at least 20 hours each week or participating for at least 20 hours per week in one or more of the following paid or unpaid work activities:
- i) work study;
 - ii) practicums, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;
 - iii) apprenticeships;
 - iv) self-employment; or
 - v) enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (41 USC 4951 et seq.).
- M) Individuals who have been continuously enrolled in an approved post-secondary education program prior to July 1, 1997 must comply with the 20 hour per week work requirement by the end of the fall 1997 semester, or the activity will not be approved for the spring 1998 semester.
- N) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in post-secondary education and receive supportive services, if eligible, during the current semester while they seek employment. If

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- the individual has not reentered employment of at least 20 hours per week by the end of the current semester, the individual will not continue in post-secondary education and receive supportive services, but will be reassigned to another appropriate activity.
- 2) Participation Requirements
- A) The individual must maintain participation of at least 75% unless there is good cause for missing more.
 - B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
 - C) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
 - D) Curriculum changes must be made with the approval of the TANF worker and will be approved when the change is consistent with the Responsibility and Services Plan.
- i) Job Development and Placement (JDP)
- 1) TANF staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.
 - 2) Assignment to JDP
- Job ready individuals may be assigned to JDP.
- j) Job Retention
- Job Retention is designed to assist participants in retaining employment. Job Retention expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding Job Retention skills. Counseling or job coaching may continue after employment begins as long as the individual continues to receive TANF.
- k) Unemployed Parents Work Experience
- 1) Parents in a two-parent TANF case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).
 - 2) Unemployed Parents Work Experience participants who are placed on a supervised work assignment improve their employment skills

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

through actual Work Experience at private employers, not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Private employers, not-for-profit organizations and governmental agencies shall not use Unemployed Parents Work Experience participants to displace regular employees (see subsection (k)(7) of this Section).

- 3) At least one parent in a two-parent TANF case is required to participate in a Work Experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANF case must participate in Work Experience for as long as he or she remains eligible for cash assistance or until determined exempt from TANF. At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment, if the participant is gaining work skills and if there is opportunity for employment.

4) Assignment to Work Experience

A) The Unemployed Parents Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:

- i) age 20 and over must participate an average of at least 30 hours each week in the Unemployed Parents Work Experience work assignment. In addition, the client may participate in educational activities below the post-secondary level; or
- ii) under age 20 must participate an average of 20 hours each week in educational activities below the post-secondary level or be assigned to Work Experience for 20 hours weekly as appropriate. If assigned to education, the individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below post-secondary) component (see Section 112.78(a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Work Experience work assignment.

B) Entry into Unemployed Parents Work Experience

Parents in a two-parent TANF case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).

C) Unemployed Parents Work Experience Positions

A participant shall be assigned to an Unemployed Parents Work Experience position based on work history, prior training, experience, skills and vocational preference. The

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Work Experience.

- D) Unemployed Parents Work Experience activities may be combined with other component activities if it is determined appropriate.

- E) Enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.

5) Participation Requirements

- A) Participants in two-parent TANF cases must make a good faith effort to complete up to one employer contact per week equivalent to five hours of job search activity in each 30-day period.

- B) Failure to make the required number of employer contacts each 30 day period without good cause may result in sanction. A client will not be sanctioned if he or she makes a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78(d)(3)(B)).

- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor. The individual must participate the number of assigned hours each week. Participation may include the work assignment, attendance in Education (below post-secondary) and/or completion of employer contact activities. At least one parent in a two-parent TANF case is required to participate in a work experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANF case must participate in Work Experience for as long as he or she remains eligible for cash assistance or is determined exempt from TANF.

6) Reassessment

At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment, if the participant is gaining work skills and if there is opportunity for employment.

7) Anti-Displacement

- The Unemployed Parents Work Experience is subject to the provisions of Section 112.78(s).

1)

- Self-Employment
Self-employment activities will increase the individual's ability to start and maintain a business. Self-employment activities will

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

include self-employment development training programs, technical assistance programs and a two year exemption of business assets and income for participants. In order to be approved in the self-employment component, the self-employment development plan must be approved.

- 1) Assignment to Self-Employment
Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.
- 2) Participation Requirements
Participants must participate in the assigned number of hours.
- 3) Self-Employment Asset and Income Exemptions
In order to qualify for a two year self-employment exemption of the business assets and income, the individuals must:
 - A) complete a self-employment program or demonstrate equivalent knowledge and experience; and
 - B) submit a business plan which includes the following items:
 - i) verification that the business can be started for under \$5,000;
 - ii) verification that the loan, if needed, has been secured or that an application for a loan is pending;
 - iii) a marketing plan which includes a complete product or service description, the market area, the target customers and promotional strategy, an analysis of the competition, distribution, pricing and selling methods; and
 - iv) a financial plan which includes the amount of loan the business will need and the repayment plan, the projected monthly cash flow over a two year period, the estimated cost of production and/or distribution and the estimated operating expenses.
- m) Unstructured Community Work Experience
Unstructured Community Work Experience provides TANF participants with activities that emphasize and build on the individual's job seeking confidence by positively reinforcing the achievement of each small step gained in his or her successful advances toward employment. Activities may include volunteer work as well as job search contacts. Activities are closely monitored for compliance and for tracking the length of time that participants are assigned to Unstructured Community Work Experience. At the reassessment the participant is assigned to the more structured work experience activity or Work First when the participant becomes more job ready. Participants are required to complete the work activities booklet weekly to document their Job Search and Community Service activities. Activities must be for 20 hours per week or as assigned by their Responsibility and Services Plan.
- n) Get A Job Initiative
 - 1) The Department will operate Get A Job as a statewide

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

demonstration for five years beginning November 1, 1995. Some areas will be designated as research sites, where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the experimental group will not participate in Get A Job.

- 2) Selection of Participants
At the time TANF cash assistance is approved, adults who are not exempt from participation in the TANF Employment and Work Program and who meet the following criteria will be assigned to Get A Job. Nonexempt adults will be selected if:
 - A) they are unemployed or employed and budgeted gross earnings are less than \$255 per month;
 - B) their youngest child is age five through 12; and
 - C) the adult:
 - i) has a high school diploma or GED;
 - ii) has been employed within the last three months; or
 - iii) is receiving Unemployment Insurance (UI) Benefits or has received UI within the last three months.
- 3) TANF Orientation and Family Assessment
A) At application, potential Get A Job participants will be identified during the intake process. The eligibility worker will inform the client about the TANF Employment and Work Program and explain Get A Job participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in Get A Job.
- B) The determination that the client meets the selection criteria for Get A Job and the evaluation of the need for and arrangement of supportive services constitutes the initial TANF family assessment for Get A Job participants.
- C) Participants will not be approved for education or training programs while in Get A Job.
- 4) Participation Requirements
A) Unless they have good cause, participants must:
 - i) attend scheduled monthly job search meetings;
 - ii) keep appointments with Get A Job staff;
 - iii) make a good faith effort to complete 20 employer contacts each month;
 - iv) accept a bona fide offer of suitable employment; and
 - v) maintain employment and not voluntarily reduce earnings.
- B) Participants will remain in Get A Job for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other TANF activities as slots are available.
- C) Participants will be placed in Get A Job each time they are approved for cash assistance and meet the selection

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

criteria.

- 5) Supportive Services
Supportive services will be provided to assist participants in their job search.
A) Each participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. No additional payment for these costs will be allowed.
- B) Payment for child care and initial employment expenses will be provided, as needed, within the limits stated in Section 112.82.
- 6) Sanctions
A) Reconciliation will be attempted with participants who fail to meet participation requirements (see Section 112.77).
B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).
- o) Targeted Work Initiative (TWI)
1) Demonstration Status
The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI.
- 2) Selection of Participants
TANF cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the TANF activity requirement, unless the recipient has earned income or is excused for one of the following reasons (other TANF exemption reasons listed in Section 112.71 do not apply to the TWI population):
A) The recipient is temporarily ill or chronically ill.
i) An individual is temporarily ill when determined by the local office, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis, that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in a work activity. A sound basis for exemption on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion.
ii) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in a work activity. This includes a 12 week period of recuperation after childbirth.

- iii) When an individual is determined either temporarily or chronically ill or incapacitated, the exclusion shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or, upon case review, the exemption will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary.
- B) The recipient provides full-time care for another household member due to that person's medical condition or incapacity.
- 3) Time Limit on Receipt of Cash Assistance
A) When the participant has been in TWI for 24 months, the participant must be working or in Work First to qualify for TANF, unless the participant is excused for one of the reasons in Section 112.78(o)(2).
B) Beginning with the first month in TWI, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24-month period.
C) After reaching the 24-month limit, the participant shall be ineligible for cash assistance for a period of 24 months, unless the participant is employed or in Work First. When the participant is off cash assistance for 24 consecutive months, for any reason, the participant will again be eligible for TANF if all other eligibility factors are met.
- 4) Participation Requirements
During the 24-month eligibility period, participants must cooperate with the requirements of the TANF Program as described in Section 112.72. Participants who fail to cooperate shall be subject to sanction.
- 5) Sanctions
A) Reconciliation (see Section 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see Section 112.80).
B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).
- 6) Activity Assignments for TWI Participants
A) Initial Activity Assignment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- i) Participants with a high school diploma, GED or recent work history will initially be required to complete eight weeks of independent Job Search followed by assisted Job Search.
- ii) Participants who have neither a high school education nor recent work history will initially be given a choice of independent Job Search, Job Search plus job training or GED.
- B) Work First/Pay After Performance for TWI Participants
- i) Participants who have completed their appropriate activity and have not become employed after 12 months will be assigned to the Work First/Pay After Performance program.
- ii) Participants in Work First must work at least 80 50 hours per month (20 hours per week for single-parent cases) or 120 hours per month (30 hours per week for two-parent cases) in an assigned pay After Performance position to earn their TANF grant and food stamps. If the participant does not work 80 hours per month for single-parent cases or 120 hours per month for two-parent cases, the reduction per hour not worked will be the amount of the grant divided by 80 hours or 120 hours respectively. ~~their--TANF--grant--will--be reduced--by--this--amount--(assigned--hours--x--minimum wage)--they--will--be--paid--the--Federal--minimum--wage--by the--employer--or--Community--Based--Provider--for--only--the number--of--hours--they--actually--participate--~~
- iii) Participants in Work First must also complete 20 employer contacts each month equivalent to 35-hours-of job-search-activities--per--month or 35 hours of job club activities per month.
- iv) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.
- v) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies and will provide Worker's Compensation coverage for participants.
- vi) Work First/Pay After Performance for TWI participants is subject to the provisions of Section 112.78(s).
- vii) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- individual may be reassigned to a Work First position.
- p) Work First/Pay After Performance for Non-TWI Participants
- 1) Participants who are not in TWI and quit employment without good cause or lose employment for reasons entirely out of their control (for example, plant closings or layoffs) will be required to participate in Work First/Pay After Performance for six months or until they obtain employment to the extent slots exist. To the extent that resources allow, job ready clients will also be targeted for Work First/Pay After Performance slots.
- 2) Individuals in a TANF case, assigned to Work First, must participate in Work First and other activities combined for an average of at least 20 hours each week to earn their TANF grant and food stamps in FY-1997 and FY-1998, at least 25 hours each week in FY-1999, and at least 30 hours each week in FY-2000--and after.
- 3) Nonexempt Non-TWI-nonexempt individuals in a two-parent TANF case must participate an average of at least 30 35 hours each week in Work First and 5 additional hours in Job Search and/or job club activities.
- 4) Participants in Work-First-participate-the-number-of-hours-per-month-equal-to-the-relevant-amount-of-benefits-divided-by-minimum wage--Other-countable-activities--will--be--combined--with--Work First-to-meet-minimum-hourly-participation-requirements--
- 4)5) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.
- 5)6) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies. The Department shall provide Worker's Compensation coverage for participants. The Department will ensure all applicable employer safety laws are met for Work First/Pay After Performance assignments. Failure of an employer to do so will result in termination of the contract.
- 6)7) Work First/Pay After Performance for non-TWI participants is subject to the provisions of Section 112.78(s).
- 7) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.
- q) Substance Abuse
- 1) Selection of Participants
- If alcohol or substance abuse is suspected as a barrier to employment during the family assessment process or at an intake interview, the client will be referred for a clinical assessment by an alcohol/substance abuse counselor. If treatment is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

indicated, the client will be required to follow-up as a condition of eligibility, unless the client is employed more than 30 hours per week or if treatment resources are not available.

- 2) Work Activity
Clients participating in alcohol/substance abuse treatment in accordance with their Responsibility and Services Plan are participating in a work activity.
- 3) Supportive Services
Supportive services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.
- 4) Sanctions
A) Conciliation will be attempted with clients who fail to cooperate with their treatment plan. Cooperation with the treatment plan will be defined by the alcohol/substance abuse provider, based on uniform guidelines.
B) When conciliation is unsuccessful, the TANF sanctions will apply.

r) Domestic Violence

- 1) Selection of Participants
All clients receiving TANF will have a family assessment completed. If domestic violence is a barrier to employment, the client will be referred to a domestic violence service provider.
- 2) Work Activity
Clients participating in domestic violence abuse treatment are in accordance with their Responsibility and Services Plan and are participating in a work activity.
- 3) Supportive Services
Supportive Services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.
- 4) Sanctions
If the individual does not comply with the Responsibility and Services Plan relating to domestic violence, a sanction will not be imposed. The Responsibility and Services Plan will be reviewed, and other work related activities will be developed. Compliance will be required for the new activities.

s) Anti-Displacement and Grievance Procedure

- 1) An employer may not utilize a work activity participant if such utilization would result in:
 - A) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or
 - B) the filling of a position that would otherwise be a promotional opportunity for current employees; or
- C) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- D) the placement of a participant in any established unfilled vacancy; or
- E) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.
- 2) An employer who wishes to utilize work activity participants shall notify the appropriate labor organization in accordance with the applicable State statute [305 ILCS 5/9A-13].
- 3) Participants, other employees at the work site or their representative, may file a grievance with the Department if they believe the participant's work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
 - A) the name and address of the participant or other employee at the work site (the grievant);
 - B) the participant's case number (if grievant is participant);
 - C) the grievant's Social Security number;
 - D) Work Experience (work site); and
 - E) a statement as to why the grievant believes the participant is causing displacement.
- 4) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
 - A) the grievant;
 - B) the grievant's representative, if any;
 - C) the Work Experience Sponsor;
 - D) the Work Experience Sponsor's representative, if any; and
 - E) the Department's representative.
- 5) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information is requested by the grievant and/or the Department.
- 6) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- 7) If the Department concludes that displacement occurred (as described in subsection (s)(1) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF participants in addition to the participants involved in the grievance, the Department shall terminate those TANF participants' assignment to that work assignment Sponsor.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 8) The Department, its employees or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work Sponsor contract.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. _____ effective February 24, 1998, for a maximum of 150 days)

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Carnival and Amusement Ride Inspection Law
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3) Section Numbers: 6000.300
Proposed Action: Withdraw Proposed Amendment
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: March 28, 1997, 21 Ill. Reg. 3781
- 5) Reason for the Withdrawal: The Carnival-Amusement Safety Board received numerous comments on the proposed rulemaking. Upon evaluation of the comments, the Board has determined that it is appropriate to withdraw the rulemaking.

STATE BOARD OF EDUCATION

NOTICE OF MODIFICATION OF EMERGENCY RULES

IN RESPONSE TO A JCER OBJECTION

- 1) Heading of the Part: School Construction Program
- 2) Code Citation: 23 Ill. Adm. Code 151
- 3) Section Numbers:
151.20
151.50
- 4) Notice of Emergency Rules published in the Illinois Register: January 30, 1998; 22 Ill. Reg. 2616
- 5) JCAR Statement of Objection to Emergency Rules published in the Illinois Register: The Joint Committee objected to these rules at its meeting on February 17. Consequently the statements of objection have not yet appeared in the *Illinois Register*.
- 6) Date Agency submitted this modification to JCER for approval: February 20, 1998
- 7) Summary of Action Taken by the Agency: The State Board has modified Section 151.20 to remove the size thresholds for remodeling, rehabilitation, and building addition projects and for new construction projects. Further, the agency has added a proviso to Section 151.50(a)(2) to acknowledge the possibility that priority ranking may not be needed. Section 151.50(c) has been modified to account for projected growth in school district enrollment, and utilization factors have been added to Section 151.50(d) to compensate for the way special-purpose rooms affect the capacity of schools at various grade levels.

The full text of the Section(s) of the emergency rules being modified begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF MODIFICATION OF EMERGENCY RULES

IN RESPONSE TO A JCER OBJECTION

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER C: FINANCE

PART 151
SCHOOL CONSTRUCTION PROGRAM

Section	Purpose
151.10 EMERGENCY	Eligible Applicants
151.20 EMERGENCY	Application for School Construction Project Grant Entitlement
151.30 EMERGENCY	Award of Construction Project Grant Entitlement
151.40 EMERGENCY	Priority Ranking of Construction Grant Entitlements
151.50 EMERGENCY	Grant Index
151.60 EMERGENCY	Debt Service Grants
151.70 EMERGENCY	

AUTHORITY: Implementing the School Construction Law (see P.A. 90-548, effective January 1, 1998) and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to Joint Committee on Administrative Rules objections at 22 Ill. Reg. 4500.

Section 151.20 Eligible Applicants
EMERGENCY

School districts that meet the requirements of the School Construction Law and this Part are eligible to apply for school construction project grant entitlements and debt service grants. a) A district's eligibility for a school construction project grant under the minimum enrollment requirements of Section 5-25(a) of the School Construction Law shall be determined using the district's enrollment in prekindergarten through grade 12 as shown on the district's most recent Fall Enrollment/Housing Report.

- b) School construction projects must meet the following requirements--in order to generate grant entitlements:
- 1) Remodeling--rehabilitation--or--building-addition-projects must involve needed capacity, as defined in Section 151.50(c) of this

STATE BOARD OF EDUCATION
NOTICE OF MODIFICATION OF EMERGENCY RULES
IN RESPONSE TO A JCAR OBJECTION

- 2) For priority five, the district's needed capacity shall be the number of qualified individuals with disabilities who require a school construction project.
- d) Determination of Available Capacity
- 1) The enrollment capacity of each room or space currently subject to occupancy by students for instructional purposes in a district-owned, permanent building, or in a building leased by the district if the lease is at least ten years from expiration, shall be determined by dividing the net floor area (in square feet) of such room or space by the appropriate loading factor, as follows:

Type of Room or Space	Loading Factor
Prekindergarten Classroom	40
Kindergarten Classroom	40
Elementary General Classroom	35
Elementary Art Classroom	40
Elementary Music Classroom	30
Elementary Computer Classroom	35
Middle School General Classroom	35
Middle School Art Classroom	40
Middle School Family and Consumer Sciences Classroom	50
Middle School Music Classroom	25
Middle School Computer Classroom	40
Middle School Science Laboratory	40
Middle School Science Laboratory/Classroom	50
Middle School Industrial Technology Laboratory/Shop Not Classified Elsewhere	40
High School General Classroom	30
High School Art Classroom	35
High School Music Classroom	25
High School Computer Classroom	40
High School Family and Consumer Sciences Classroom	60
High School Science Laboratory	35
High School Industrial Technology Laboratory/Shop	75
High School Laboratory Not Classified Elsewhere	35
Special Education Classroom	50

STATE BOARD OF EDUCATION
NOTICE OF MODIFICATION OF EMERGENCY RULES
IN RESPONSE TO A JCAR OBJECTION

- Part 7 of at least 150 students for the district as a whole and at least 50 students at each site to be remodeled or rehabilitated. This requirement does not apply to projects under priority five of Section 5-30 of the School Construction Law.
- 2) New construction projects must address needed capacity of at least the following magnitude:
- A) Elementary schools--200 students
- B) Middle and Junior High schools--200 students
- C) High schools--400 students

(Source: Emergency rules modified in response to Joint Committee on Administrative Rules objections at 22 Ill. Reg. 416.)

Section 151.50 Priority Ranking of Construction Grant Entitlements
EMERGENCY

Districts holding construction grant entitlements shall be eligible for construction grants to be awarded by the Capital Development Board in order of the priority ranking, as described in this Section.

- a) Districts holding grant entitlements shall be eligible for grant awards in the order of:
- 1) the six levels of priority described in Section 5-30 of the School Construction Law; and
- 2) the district's ranking within its level of priority, determined according to subsections (b) through (d) of this Section, should such a ranking be warranted for grant award purposes.
- b) A district's ranking within a level of priority shall be determined by multiplying the district's needed capacity as determined under subsection (c) of this Section by the ratio of the district's needed capacity to the district's enrollment as recorded on the district's most recent Fall Enrollment/Housing Report. The resulting figure shall constitute the district's ranking, with the largest figure having the highest ranking.
- c) Needed Capacity
- 1) For each priority other than priority five, the district's needed capacity shall be calculated by subtracting its currently available capacity as determined under subsection (d) of this Section from its current enrollment or its projected enrollment, whichever is greater.
- A) Projected enrollment shall be calculated by multiplying the district's current enrollment by the ratio of the district's current enrollment to the district's enrollment two years before.
- B) For purposes of calculating needed capacity, projected enrollment shall not include any increase in enrollment attributable to a change in the district's boundaries.

STATE BOARD OF EDUCATION
NOTICE OF MODIFICATION OF EMERGENCY RULES
IN RESPONSE TO A JC&R OBJECTION

- 2) Buildings and additions with a functional age over one hundred years old shall be assigned an enrollment capacity of zero. The functional age of a building and each of its additions shall be individually determined by multiplying its actual age by one of the following condition factors, to be determined using the Building Condition Evaluation Form supplied by the State Board of Education:

Condition of Building or Addition	Condition Factor
Excellent	0.2
Satisfactory	0.4
Substandard	1.0
Poor	1.5
Very Poor	2.0

- 3) As used in this subsection (d), "permanent building" means a building mounted on a slab or a permanent foundation. A permanent foundation is a closed-perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which may include but not be limited to cellars, basements, or crawlspaces but does not include the sole use of piers.

- 4) Available capacity shall be calculated by multiplying enrollment capacity as determined in subsections (d)(1) through (3) of this Section by the following utilization factors:

A) elementary schools	0.9
B) middle or junior high schools	0.85
C) high schools	0.8

- e) A new order of priority ranking shall be established among the applicants for each fiscal year. If a district is not awarded a construction grant in a fiscal year for which it has received an entitlement, the district must update its application to establish its priority ranking for the following fiscal year.

(Source: Emergency rules modified in response to Joint Committee on Administrative Rules objections at 22 Ill. Reg. 4504.)

HEALTH FACILITIES PLANNING BOARD
NOTICE OF WITHDRAWAL OF AMENDMENTS

- 1) Heading of the Part: Health Facilities Planning Procedural Rules

- 2) Code Citation: 77 Ill. Adm. Code 1130

- 3) Section Numbers:

Section Numbers:	Proposed Action:
1130.110	Withdraw
1130.120	Withdraw
1130.130	Withdraw
1130.140	Withdraw
1130.210	Withdraw
1130.220	Withdraw
1130.310	Withdraw
1130.410	Withdraw
1130.510	Withdraw
1130.520	Withdraw
1130.540	Withdraw
1130.541	Withdraw
1130.542	Withdraw
1130.560	Withdraw
1130.570	Withdraw
1130.610	Withdraw
1130.620	Withdraw
1130.640	Withdraw
1130.650	Withdraw
1130.660	Withdraw
1130.670	Withdraw
1130.680	Withdraw
1130.710	Withdraw
1130.720	Withdraw
1130.730	Withdraw
1130.740	Withdraw
1130.750	Withdraw
1130.Appendix A	Withdraw

- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
Published at 21 Ill. Reg. 14854 on November 21, 1997

- 5) Reason for Withdrawal: Considerable testimony was presented to the State Board at the public hearing held on January 7, 1998. Because of the testimony, the State Board decided that modifications to the proposal were needed. These changes will be substantive and the State Board determined that the current proposal should be withdrawn and a revised proposal for Part 1130 be presented. Once the new proposal is published in the *Illinois Register*, another hearing will be held to give the public an opportunity to comment. The State Board anticipates that a new proposal for Part 1130 will be published in the *Illinois Register* in March 1998.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: School Construction Program

Code Citation: 23 Ill Adm Code 151

Section Numbers: 151.20(b)

Date Originally Published in the Illinois Register: 30/98
22 Ill Reg 2616

At its meeting on February 17, 1998, the Joint Committee on Administrative Rules objected to Section 151.20(b) of the State Board of Education's emergency rule entitled School Construction Program (23 Ill Adm Code 151; 22 Ill Reg 2616) because the subsection creates a limitation on the size of construction project that is eligible for an SCP grant that is more stringent than the size limitations created by statute. The General Assembly expressed its intent when it enacted size requirements for grant applicant eligibility. The Board's rule acknowledges these limitations on district size, but further adds size limitations on individual projects that can be funded.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: School Construction Program

Code Citation: 23 Ill Adm Code 151

Section Numbers: 151.50(d)

Date Originally Published in the Illinois Register: 1/30/98
22 Ill Reg 2616

At its meeting on February 17, 1998, the Joint Committee on Administrative Rules objected to Section 15.150(d) the State Board of Education's emergency rule entitled School Construction Program (23 Ill Adm Code 151; 22 Ill Reg 2616) because the emergency rule sets out the procedures for determining available capacity of a classroom, but gives no consideration to how the classroom is to be utilized. Some types of vital classroom space in a high school or middle school could be undervalued because the space is not used continually throughout the day, as is an elementary classroom.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: School Construction Program

Code Citation: 23 Ill Adm Code 151

Section Numbers: 151.50(a)(2)

Date Originally Published in the Illinois Register: 1/30/98
22 Ill Reg 2616

At its meeting on February 17, 1998, the Joint Committee on Administrative Rules objected to Section 151.50(a)(2) of the State Board of Education's emergency rule entitled School Construction Program (23 Ill Adm Code 151; 22 Ill Reg 2616) because the emergency rule sets out procedures by which SBE will rank projects within a priority level even if there is no need for ranking because of a sufficiency of available funding.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: School Construction Program

Code Citation: 23 Ill Adm Code 151

Section Numbers: 151.10 151.20
151.30 151.40
151.50 151.60
151.70

Date Originally Published in the Illinois Register: 1/30/98
22 Ill Reg 2616

At its meeting on February 17, 1998, the Joint Committee on Administrative Rules objected to the State Board of Education's emergency rule entitled School Construction Program (23 Ill Adm Code 151; 22 Ill Reg 2616) because the emergency rule presents a threat to the public health, safety and welfare by not complying with the General Assembly's intent that those school districts with the greatest need receive school construction grants in a timely manner.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

TO EMERGENCY RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: School Construction Program

Code Citation: 23 Ill Adm Code 151

Section Numbers: 151.10 151.20
151.30 151.40
151.50 151.60
151.70

Date Originally Published in the Illinois Register: 1/30/98
22 Ill Reg 2616

At its meeting on February 17, 1998, the Joint Committee on Administrative Rules considered the above-cited emergency rulemaking and recommends that the State Board of Education accelerate its process of prioritizing projects for those construction grant applicants that met the 2/7/98 deadline for FY98 construction grant funding so that those applicants given high prioritization may be considered by the Capitol Development Board for construction grant funding before the end of FY98.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO

EMERGENCY RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: School Construction Program

Code Citation: 23 Ill Adm Code 151

Section Numbers: 151.50(c)

Date Originally Published in the Illinois Register: 1/30/98
22 Ill Reg 2616

At its meeting on February 17, 1998, the Joint Committee on Administrative Rules objected to Section 151.50(c) of the State Board of Education's emergency rule entitled School Construction Program (23 Ill Adm Code 151; 22 Ill Reg 2616) because the rule fails to give high priority to projects that are designed to alleviate a shortage of classrooms due to population growth, as required by Section 5-30(2) of the School Construction Law.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Heading of the Part: Procedures for Collection of Air Pollution Site Fees

Code Citation: 35 Ill Adm Code 251

Section Numbers:

251.101	251.103
251.201	251.203
251.208	251.301
251.310	

Date Originally Published in the Illinois Register:

7/11/97

21 Ill Reg 8759

At its meeting on February 17, 1998, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommends that with respect to the Environmental Protection Agency's rulemaking entitled Procedures for Collection of Air Pollution Site Fees (35 Ill Adm Code 251; 21 Ill Reg 8759) EPA update its rules to reflect statutory change in a more timely manner to avoid presenting the affected public with conflicting information.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Heading of the Part: Procedures for Determining Water Quality Based Permit Limitations for National Pollutant Discharge Elimination System Dischargers to the Lake Michigan Basin

Code Citation: 35 Ill Adm Code 352

Section Numbers:

352.200(d)	352.300
352.302	352.303
352.412	352.421
352.422	352.423
352.424	

Date Originally Published in the Illinois Register:

10/10/97

21 Ill Reg 13416

At its meeting on February 17, 1998, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommends that EPA continue to work with the Attorney General to more clearly determine the relative jurisdictions of EPA and PCB in this matter and initiate further rulemaking to clarify this jurisdiction, if necessary. Based on an Illinois Supreme court case, the Attorney General believes that, with respect to the 9 Sections of the Environmental Protection Agency's rulemaking cited above, the agency does not have clear statutory authority to promulgate those sections and that they belong under the jurisdiction of the Pollution Control Board. The Attorney General indicates that discussions with EPA regarding jurisdiction in this area are ongoing.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EXISTING RULES

POLLUTION CONTROL BOARD

Heading of the Part: Standards for the Management of Used Oil

Code Citation: 35 Ill Adm Code 739

Section Numbers: 739.110

Date Originally Published in the Illinois Register: 8/8/97
21 Ill Reg 10863

At its meeting on February 17, 1998, the Joint Committee on Administrative Rules objected to the above-cited rulemaking because it does not meet the requirements for identical-in-substance rulemakings under Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)]. Section 22.4(a) allows PCB to adopt regulations that are identical in substance to federal Resource Conservation and Recovery Act regulations through a shortened rulemaking process. While this rulemaking initially included identical-in-substance amendments, those changes were removed by the PCB when USEPA changed its position on the related federal rules, leaving this "identical-in-substance" rule containing only technical changes. At that point, the rulemaking no longer met the statutory requirements for the use of the Section 22.4(a) process and PCB should have proposed its technical changes through regular rulemaking. Instead, the Board proceeded to propose and adopt the rulemaking through the identical-in-substance process.

Section 5-120 of the Act requires the agency to respond to the Joint Committee's Objection within 90 days after receipt of this Certification of Objection. The agency's response will be placed on the Committee's agenda for further consideration. Failure to respond shall constitute a refusal to refrain from inappropriate activities.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: AIDS Confidentiality and Testing Code

2) Code Citation: 77 Ill. Adm. Code 697

3) Register Citation to Notice of Proposed Rules: February 27, 1998

4) Dates, Times and Locations of Public Hearings:

March 30, 1998	April 27, 1998
11:00 a.m.	10:30 a.m.
Illinois State Museum Auditorium	Chicago, Illinois
Spring and Edwards	Location to be announced in the next
Springfield, Illinois 62701	issue of the <i>Illinois Register</i> .

5) Other Pertinent Information:

The hearings will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearings:

D. Each person presenting oral testimony shall provide to the hearing officer a written copy of such testimony at the time the oral testimony is presented.

E. No person will be recognized to speak for a second time until all persons wishing to testify have done so. The hearing officer may impose a time limit for testimony if necessary to allow each person who wishes to speak time to do so.

F. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of the call of witnesses as he/she deems necessary.

6) Name and Address of Agency Contact Person:

Questions regarding the public hearings shall be directed to: Gail M. DeVito, Illinois Department of Public Health, 535 West Jefferson Street, 5th Floor, Springfield, Illinois 62761, (217) 782-2043.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

1) Heading of the Part: Control of Sexually Transmissible Diseases Code

2) Code Citation: 77 Ill. Adm. Code 693

3) Register Citation to Notice of Proposed Rules: February 27, 1998

4) Dates, Times and Locations of Public Hearings:

March 30, 1998 April 27, 1998
11:00 a.m. 10:30 a.m.
Illinois State Museum Auditorium Chicago, Illinois
Spring and Edwards Location to be announced in the next
Springfield, Illinois 62701 issue of the *Illinois Register*.

5) Other Pertinent Information:

The hearings will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearings:

A. Each person presenting oral testimony shall provide to the hearing officer a written copy of such testimony at the time the oral testimony is presented.

B. No person will be recognized to speak for a second time until all persons wishing to testify have done so. The hearing officer may impose a time limit for testimony if necessary to allow each person who wishes to speak time to do so.

C. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of the call of witnesses as he/she deems necessary.

6) Name and Address of Agency Contact Person:

Questions regarding the public hearings shall be directed to: Gail M. DeVito, Illinois Department of Public Health, 535 West Jefferson Street, 5th Floor, Springfield, Illinois 62761, (217) 782-2043.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 17, 1998 through February 23, 1998 and have been scheduled for review by the Committee at its March 24, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/26/98	Pollution Control Board, Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 724)	11/21/97 21 Ill Reg 14779	3/24/98
/26/98	Pollution Control Board, Identification and Listing of Hazardous Waste (35 Ill Adm Code 721)	11/21/97 21 Ill Reg 14725	3/24/98
3/26/98	Pollution Control Board, Hazardous Waste Management System: General (35 Ill Adm Code 720)	11/21/97 21 Ill Reg 14755	3/24/98
3/26/98	Pollution Control Board, Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 725)	11/21/97 21 Ill Reg 14730	3/24/98
3/26/98	Pollution Control Board, Land Disposal Restriction (35 Ill Adm Code 728)	11/21/97 21 Ill Reg 14742	3/24/98
3/26/98	Pollution Control Board, Standards for Universal Waste Management (35 Ill Adm Code 733)	11/21/97 21 Ill Reg 14791	3/24/98
4/2/98	Secretary of State, Regulations Under the Illinois Loan Brokers Act of 1995 (14 Ill Adm Code 145)	10/24/97 21 Ill Reg 14071	3/24/98
4/2/98	Office of Banks and Real Estate, Repeal of Public Hearings on Acquisitions of Illinois Banks or Illinois Bank Holding	1/2/98 22 Ill Reg 115	3/24/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Companies by Midwest Bank Holding
Companies (38 Ill Adm Code 390)

EXECUTIVE ORDERS
98-2

AN EXECUTIVE ORDER TRANSFERRING THE AUTHORITY, POWERS,
AND DUTIES OF THE ILLINOIS DEPARTMENT OF COMMERCE AND
COMMUNITY AFFAIRS UNDER THE ILLINOIS COMMISSION ON
COMMUNITY SERVICE ACT TO THE DEPARTMENT OF HUMAN SERVICES

Whereas, citizen volunteerism in the form of community service is an integral part of Illinois' thriving partnership between the public and private sectors in order to achieve the goal of providing meaningful opportunities for Illinoisans of all ages and backgrounds to serve their State in organized community efforts that foster citizenship, strengthen communities and provide opportunities for those who make a commitment to service; and

Whereas, it is important for the State of Illinois to advance programs that focus on educational, human, environmental and public safety needs; and

Whereas, the State of Illinois should persist in providing technical assistance to programs which depend upon volunteers; and

Whereas, there is a continuing need for the State of Illinois to promote and support community service in public and private programs to meet previously unmet needs of Illinois citizens; and

Whereas, it is beneficial for the State of Illinois to further stimulate new community service initiatives and partnerships to expand and improve the statewide community service network; and

Whereas, it is a priority of this State to disseminate information to support community service programs and to broaden community service involvement throughout the State; and

Whereas, the State of Illinois should further establish recognition for outstanding community service accomplishments; and

Whereas, there is an immediate need to maximize the potential for receiving Federal grants to provide optimal exposure of opportunities in community service; and

Whereas, the mission of DHS is conducive to efficient and effective implementation of the above Commission on Community Service;

Whereas, an interagency agreement exists in order to effectuate the goals, purpose and function of this Executive Order until effective; and

Whereas, Article V, Section 11 of the Constitution of the State of Illinois authorizes the Governor to reassign functions among or reorganize Executive agencies which are directly responsible to him in order to simplify the organizational structure of the Executive Branch, to improve accountability, to increase accessibility, and to achieve efficiency and effectiveness in operation;

Therefore, I, Jim Edgar, hereby order the following:

I. TRANSFER OF POWERS

The rights, powers, duties and authority vested in the Illinois Department of Commerce and Community Affairs under the Illinois Commission on Community Service Act, 20 ILCS 710, are hereby transferred to the Department of Human Services.

II. EFFECT OF TRANSFER

A. All books, records, papers, documents, personnel, property (real and personal), unexpended appropriations and pending business in any way pertaining to the rights, powers, duties and authority transferred by this Executive Order

from the Department of Commerce and Community Affairs to the Department of Human Services, shall be delivered and/or transferred to the Department of Human Services.

B. In the event of any personnel transfer, the rights of the employees, the State and its agencies under the Personnel Code or any collective bargaining agreement, or under any pension, retirement or annuity plan, shall not be affected by this Executive Order.

III. SAVINGS CLAUSE

A. The rights, powers and duties transferred by this Executive Order to the Department of Human Services shall be vested in and shall be exercised by the Department of Human Services subject to the provisions of this order. Each act done in the exercise of such rights, powers, duties and authority shall have the same legal effect as if done by the former department officers or employees thereof.

B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such rights, powers, duties and authority as if such rights, powers, duties and authority had been exercised by the former department officers or employees thereof.

C. Every officer and employee of the Department of Human Services shall, for any offense, be subject to the same penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employee whose powers, duties or authority were transferred to him or her by this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the departments and offices transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Department of Human Services.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause before this Executive Order takes effect cut such actions or proceedings may be prosecuted and continued by the Department of Human Services.

F. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order that have been duly adopted by the agencies reorganized under this Order. As soon as practicable hereafter, the Department of Human Services shall propose and adopt under the Illinois Administrative Procedure Act such rules as may be necessary to consolidate and clarify the rules of the reorganized agencies that will now be administered by the successor agency.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall be effective April 20, 1998.

Issued by the Governor January 29, 1998.

Filed by the Secretary of State January 29, 1998.

98-3 EXECUTIVE ORDER PERTAINING TO PROCUREMENT REFORM

Whereas, The Illinois General Assembly has enacted and I have signed into law House Bill 1633 (hereinafter referred to as the "Illinois Procurement Code") which provides for comprehensive reform of Illinois' procurement laws and procedures in order to promote and enhance open and vigorous competition in the procurement of State goods and services; and

Whereas, implementation of House Bill 1633 will require development and promulgation of a substantial body of new rules, regulations, guidelines, procedures, contract documents, forms, evaluation methodologies, procurement bulletins and other documentation; and

Whereas, State agencies, Chief Procurement Officers, State Purchasing Officers and other involved parties will require training and experience operating under the new law's requirements, rules and methodologies in order to ensure an orderly transition and to prevent disruption, confusion and waste in the conduct of critical state business; and

Whereas, it is the stated intent of the General Assembly that procurements conducted after House Bill 1633 becomes law but before the primary effective date of the new Illinois Procurement Code shall be substantially in accordance with the Code and its intent:

Therefore, I, Jim Edgar, order that all agencies, boards and commissions under my jurisdiction (hereinafter referred to as "agencies"), consistent with the requirements of existing law and principles of open, effective and efficient government, immediately begin the process of conforming State procurement procedures and practices to the Illinois Procurement Code, and I further more specifically order the following:

1. This Order applies to all procurements made by agencies for which contractors were first solicited on or after February 6, 1998 (hereinafter referred to as "procurements"). This Order shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the effective date of this Order and in conformance with existing law. Notwithstanding Paragraph 9 of this Order, any procurement conducted prior to the effective date of this Order, in a manner which violates the provisions of Executive Order Number 2(1997) shall be subject to the remedies provided in that Order.

2. Terms used in this Executive Order shall have the meaning ascribed to them in Section 1-15 of the Illinois Procurement Code (except section 1-15.100).

3. The Department of Central Management Services, the Department of Transportation and the Capital Development Board are directed to expeditiously develop, promulgate and implement all rules, procedures, procurement bulletins, including electronic procurement bulletins, mechanisms for publishing after-the-fact notices, standard request for proposal and contract forms, preferences for small business, evaluation methodologies and other documentation necessary to fully implement the Illinois Procurement Code in a timely fashion and to conduct training programs in the use of such procedures and documentation for all agency procurement officers and other affected personnel.

4. To the extent feasible and as permitted by existing law, including federal requirements, and the status of development of rules, documents and methodologies necessary for the implementation of various provisions of the Illinois Procurement Code, agencies shall immediately take steps to ensure that

procurements for which contracts are solicited between the effective date of this Order and July 1, 1998 shall be substantially in accordance with the Illinois Procurement Code and its intent.

5. Article 50 "Procurement Ethics and Disclosure" of the Illinois Procurement Code is now in effect since this Article became effective upon my signing House Bill 1633 into law. The chief executive officer of each agency shall ensure that Article 50 is made available to agency purchasing officers and all other personnel involved in procurement matters. The Department of Central Management Services is directed to distribute financial disclosure forms to agencies which must be completed by responsive and responsible bidders or offerors before entering into a contract with an annual value in excess of \$10,000 in response to procurements under this Order.

6. Agencies will report to the Department of Central Management Services on the progress of implementation efforts and the nature of problems experienced with procurement procedures under this Order and the Illinois Procurement Code.

7. Pursuant to the provisions of the Illinois Procurement Code, neither the Illinois Procurement Code nor this Order applies to:

a. contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in the Illinois Procurement Code.

b. grants.

c. purchase of care.

d. hiring of an individual as an employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

e. collective bargaining contracts.

f. purchase of real estate.

9. contracts necessary to prepare for an anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval.

8. I designate the Board of Ethics to review and comment upon the potential conflicts of interest and debarment reinstatements that must be addressed under Section 50-35(d) and 50-35(g) of the Illinois Procurement Code. I further designate the Board of Ethics as the body that may grant exemptions under section 50-20 of the Illinois Procurement Code.

9. Section II and the third sentence of Paragraph E of Section I of Executive Order Number 2(1997) are hereby repealed. *EFFECTIVE DATE*

This Executive Order shall be effective immediately

Issued by the Governor February 6, 1998.

Filed by the Secretary of State February 6, 1998.

February 13, 1998.

PROCLAMATIONS

98-34

DUNBAR VOCATIONAL CAREER ACADEMY DAY

Whereas, the Dunbar Vocational Career Academy has been crowned 1997 Public League Champion and City Prep Bowl Champion; and

Whereas, while under the leadership of Glenn Johnson, Dunbar has reached eight semi-final playoffs in the Chicago Public League; and eight state playoff competitions since 1988; and

Whereas, the principal, Dr. Floyd Banks, and the outstanding coaching staff of Dunbar Vocational Career Academy acknowledge the importance of "a strong mid and strong body." In the "football study room" players are tutored in the areas of math and English. Because of this focus on academics and athletics, Dunbar football players typically have been members of the Honor Roll, the National Honor Society and the National Vocational Technical Honor Society; and

Whereas, the coaching staff of unbar Vocational Career Academy consists of Glenn Johnson and assistant coaches A. Smith, D. Hunter, H. Ashford, F. Lesser, J. Thomas, M. Hayes, E. Watson and G. Prince; and

Whereas, the Dunbar Vocational High School Alumni Association, Inc. and Dunbar Vocational High School Hall of Fame Committee are hosting an appreciation banquet honoring the Dunbar Nightymen 1997 Public League champs and City Prep Bowl champs, on February 8, 1998, as the Martique;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8, 1998, as DUNBAR VOCATIONAL CAREER ACADEMY DAY in Illinois.

Issued by the Governor February 2, 1998.

Filed by the Secretary of State February 9, 1998.

98-35

FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK

Whereas, Americans depend upon the business leaders of our country to promote future growth and progress of the United States economy and to assure continuing prosperity for the entire nation; and

Whereas, the Future Business Leaders of America organization is actively training young people to assume positions of leadership and responsibility in business and industry, as well as teaching young people the value and benefits of being actively involved in community service projects; and

Whereas, there are approximately 3,500 Future Business Leaders of America-Phi Beta Lambda members in Illinois from 88 high schools and 15 colleges, and approximately 250,000 members nationwide; and

Whereas, the Future Business Leaders of America organization continues to demonstrate its effectiveness in producing young people who are competent leaders committed not only to sustaining the American free enterprise system but also to expanding and improving upon it;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8-14, 1998, as FUTURE BUSINESS LEADERS OF AMERICA-PHI-BETA LAMBDA WEEK in Illinois.

Issued by the Governor February 2, 1998.

Filed by the Secretary of State February 9, 1998.

PROCLAMATIONS

98-36

FUTURE SOCIETY WEEK

Whereas, the World Future Society will have its 1998 annual conference in Chicago; and

Whereas, the World Future Society is future-oriented and the theme of this conference is FutureQuest: Strategies for a New Millennium; and

Whereas, the Future Society is a not-for-profit scientific and educational organization with the worldwide membership of more than 30,000 educators, scientists and other professionals in the wide scope of areas; and

Whereas, the World Future Society promotes a better alternative future through many futuristic publications such as The Futurist, Future Research Quarterly, Future Survey, and scores of future-oriented books, articles and reports; and

Whereas, Future Week will serve our citizens to focus our attention to create a better alternative future for all the citizens of the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 18-25, 1998, as FUTURE: SOCIETY WEEK in Illinois.

Issued by the Governor February 2, 1998.

Filed by the Secretary of State February 9, 1998.

98-37

PROUD LADY BEAUTY SHOW MONTH

Whereas, the American Health and Beauty Aids Institute (AHBAI) is an Illinois-based national trade association representing the leading African-American owned manufacturers of ethnic health and beauty aid products; and

Whereas, AHBAI was founded in 1981 to represent the thriving ethnic health and beauty aids (HBA) industry, one of the few American industries that was founded and is fueled by African-Americans. Since that time, AHBAI has grown into a respected industry resource and advocate for the Black community at large; and

Whereas, AHBAI, a symbol of strength and unity in the African-American community, supplies high-quality products produced by these manufacturers; and

Whereas, AHBAI members are committed to serving the community that has helped them grow. Whether it be jobs, scholarships, internships or training, AHBAI and its members are among the top contributors to programs in African-American communities across the country; and

Whereas, on April 4-6, 1998, AHBAI will sponsor the 10th Annual Proud Lady Beauty Show - Chicago, the largest ethnic show in the Midwest; and

Whereas, the Proud Lady Beauty Show attracts over 12,000 industry professionals nationwide and features educational workshops and competitions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1998 as PROUD LADY BEAUTY SHOW MONTH in Illinois

Issued by the Governor February 2, 1998.

Filed by the Secretary of State February 9, 1998.

PROCLAMATIONS

WEEK OF THE HIGH RISK CHILD

Whereas, the week of May 18-22, 1998, is being highlighted as the "Week of the High Risk Child -- 1998," and

Whereas, the purpose of the week is to identify populations at risk, to motivate teens and develop their leadership potential, to inform parents and move them toward self-sufficiency, to improve networking, coordination, and communication among human service agencies and professionals serving children, and to advocate for quality prevention and follow-up services for youth; and

Whereas, the Children and Adolescents Forum and Beatrice Caffrey Youth Services, Inc. are the non-profit co-sponsors of the week and have served children for more than 60 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18-22, 1998, as WEEK OF THE HIGH RISK CHILD in Illinois.

Issued by the Governor February 2, 1998.

Filed by the Secretary of State February 9, 1998.

98-39

KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY

Whereas, the Kendall County Soil and Water Conservation District holds its 50th annual meeting in 1998; and

Whereas, the District was formed in 1947 under the leadership of W.P. Miller, with assistance from William Rushton and Hugh Pope; and

Whereas, the District works to protect natural resources through a variety of soil conservation and water quality protection programs; and

Whereas, District staff provide landowners with information and technical assistance to prevent and correct natural resource-related problems; and

Whereas, the District assists farmers in developing conservation plans designed to prevent soil loss, reduce nutrient runoff from fields, manage animal waste and otherwise operate in an environmentally sound manner; and

Whereas, the District plays an important role in helping landowners determine eligibility for state and federal programs that promote sound management practices; and

Whereas, the District helps conduct an annual, Statewide soil conservation survey to track progress toward the goal of achieving tolerable soil loss on Illinois cropland by the year 2000; and

Whereas, the leadership of the Kendall County Soil and Water Conservation District and voluntary efforts of district landowners have brought more than 90 percent of Kendall County cropland below the tolerable benchmark; and

Whereas, both urban and rural residents benefit from the District's efforts to prevent flooding, safeguard water supplies, enhance wildlife habitat and encourage farming practices that help ensure an uninterrupted, inexpensive and safe food supply;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim, February 7, 1998, KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY in Illinois.

Issued by the Governor February 7, 1998.

Filed by the Secretary of State February 9, 1998.

98-38

PROCLAMATIONS

98-40

PERRY COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY

Whereas, the Perry County Soil and Water Conservation District was formed in 1948 under the leadership of Louis Templeton and J.G. McCall; and

Whereas, the District works to protect natural resources through a variety of soil conservation and water quality protection programs; and

Whereas, District staff provide landowners with information and technical assistance to prevent and correct natural resource-related problems; and

Whereas, the District assists farmers in developing conservation plans designed to prevent soil loss, reduce nutrient runoff from fields, manage animal waste and otherwise operate in an environmentally sound manner; and

Whereas, the District plays an important role in helping landowners determine eligibility for state and federal programs that promote sound management practices; and

Whereas, the District reviews land reclamation plans to help ensure formerly mined land is properly restored; and

Whereas, the District helps conduct an annual, Statewide soil conservation survey to track progress toward the goal of achieving tolerable soil loss on Illinois cropland by the year 2000; and

Whereas, the leadership of the Perry County Soil and Water Conservation District and voluntary efforts of district landowners have brought more than 60 percent of Perry County cropland below the tolerable benchmark; and

Whereas, both urban and rural residents benefit from the District's efforts to prevent flooding, safeguard water supplies, enhance wildlife habitat and encourage farming practices that help ensure an uninterrupted, inexpensive and safe food supply;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 9, 1998 as PERRY COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY in Illinois honoring the 50th Anniversary of the District.

Issued by the Governor February 9, 1998.

Filed by the Secretary of State February 9, 1998.

98-41

CERTIFIED NURSE ASSISTANT WEEK

Whereas, Illinois has more than 200,000 Certified Nurse Assistants; and

Whereas, Certified Nurse Assistants working in long-term care facilities provide compassionate care for residents and their families; and

Whereas, Certified Nurse Assistants provide nearly 90 percent of the direct nursing care given to residents in long-term care facilities; and

Whereas, Certified Nurse Assistants are "Specialists in the Art of Caring" for tens of thousands of frail and elderly citizens of Illinois; and

Whereas, Certified Nurse Assistants help restore residents to their highest functioning level;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 4-11, 1998, as CERTIFIED NURSE ASSISTANT WEEK in Illinois.

Issued by the Governor February 3, 1998.

Filed by the Secretary of State February 13, 1998.

PROCLAMATIONS

98-42

FOUR CHAPLAINS SUNDAY

Whereas, one of the most inspiring acts of heroism in World War II will be commemorated on February 8, 1998; and

Whereas, this date marks the 55th Anniversary of the historic occasion of "Four Chaplains Sunday;" and

Whereas, in a final act of love and dedication, four chaplains representing the Methodist, Roman Catholic, Jewish and Dutch Reformed faiths, gave their own life jackets to four fearful American servicemen and directed the young soldiers to lifeboats; and

Whereas, the four United States Army Chaplains, with their arms linked while they prayed together, sank with the torpedoed U.S.S. Dorchester in the North Atlantic; and

Whereas, each year, a memorial program is sponsored by the Combined Veterans Association of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8, 1998, as FOUR CHAPLAINS SUNDAY in Illinois.

Issued by the Governor February 3, 1998.

Filed by the Secretary of State February 13, 1998.

98-43

LONG-TERM CARE ADMINISTRATORS WEEK

Whereas, Long-Term Care Administrators care for our loved ones and strive to provide their residents the opportunity to experience the highest quality of life; and

Whereas, Long-Term Care Administrators work long hours maintaining the quality of care given in their facilities and continuously striving to improve their facilities; and

Whereas, Long-Term Care Administrators are bound by numerous regulations and budgetary constraints, yet they succeed in performing their duties while motivating their staff;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 16-22, 1998, as LONG-TERM CARE ADMINISTRATORS WEEK in Illinois recognizing this state's licensed long-term care administrators.

Issued by the Governor February 3, 1998.

Filed by the Secretary of State February 13, 1998.

98-44

LONG-TERM CARE NURSES WEEK

Whereas, Long-Term Care Nurses have committed themselves to provide the highest quality care to the young, old and disabled; and

Whereas, Long-Term Care Nurses are faced with ever increasing medical demands to rehabilitate and provide the best possible quality of life for their residents; and

Whereas, more than 1,000 licensed and extended care facilities look to Long-Term Care Nurses for support and leadership; and

Whereas, the Illinois Health Care Association, representing over 475

PROCLAMATIONS

Illinois long-term care providers, along with the Long-Term Care Nurses Association declares May 6-12, 1998, as Illinois Long-Term Care Nurses week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6-12, 1998, as LONG-TERM CARE NURSES WEEK in Illinois.

Issued by the Governor February 3, 1998.

Filed by the Secretary of State February 13, 1998.

98-45

NURSING HOME WEEK

Whereas, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged and chronically ill citizens; and

Whereas, this dedication has been forcefully demonstrated through continual striving to upgrade standards of care and improve service; and

Whereas, Illinois Health Care Association and its member facilities are sponsoring the "Aging in America" art series in observance of National Nursing Home Week beginning May 10, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois proclaim May 10-16, 1998, as NURSING HOME WEEK in Illinois.

Issued by the Governor February 3, 1998.

Filed by the Secretary of State February 13, 1998.

98-46

VOLUNTEER WEEK

Whereas, our nation was built upon a spirit of volunteerism, and the talents and energies of American volunteers continue to be one of our greatest resources; and

Whereas, America cannot depend on government alone to solve all of its societal problems; and

Whereas, volunteerism is increasingly recognized as an important partner with government and industry; and

Whereas, the active involvement of citizens in Illinois is needed today more than ever to combat growing human and social problems, to renew our belief that these problems can be solved, and to strengthen our sense of community; and

Whereas, volunteering offers all citizens the opportunity to participate in the life of their community and lend their talents and resources, making change possible, to address some of the major issues facing our State; and

Whereas, it is fitting for all citizens to join in this celebration of our rich volunteer heritage and recognize the dedicated volunteers and volunteer programs that contribute immeasurably to communities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 12-18, 1998, as VOLUNTEER WEEK in Illinois.

Issued by the Governor February 3, 1998.

Filed by the Secretary of State February 13, 1998.

98-47

PROCLAMATIONS

GIRLS AND WOMEN IN SPORTS DAY

Whereas, the girls' and women's sports programs in Illinois have been dedicated to promoting the educational importance, cultural values, and skills involved in athletic competition; and

Whereas, the girls' and women's sports programs in Illinois enhance the schools' desired educational goals; and

Whereas, the girls' and women's sports programs in Illinois offer significant lifetime learning experiences that cannot be duplicated in any other instructional setting; and

Whereas, the girls' and women's sports programs in Illinois promote cooperation, friendship, and an opportunity to participate on a fair and equitable basis, which produces vital educational benefits; and

Whereas, the girls' and women's sports programs have provided extensive opportunities for participants and spectators; and

Whereas, these programs have reflected high standards of good sportsmanship and citizenship, thus contributing positively to the spirit of the community; and

Whereas, the Girls Scouts -- Illinois Crossroads Council and the Lake County Health Department recognize the positive benefits of girls' and women's sports participation in conjunction with the 12th annual National Girls and Women in Sports Day;

Therefore, I Jim Edgar, Governor of the State of Illinois, proclaim February 7, 1998, as GIRLS AND WOMEN IN SPORTS DAY in Illinois and encourage citizens to celebrate this day of recognition.

Issued by the Governor February 4, 1998.

Filed by the Secretary of State February 13, 1998

98-48

INDUSTRIAL DISTRIBUTION DAY

Whereas, the American Supply and Machinery Manufacturers' Association and the Industrial Distribution Association have collaborated for more than 90 years to build the industrial distribution channel into the most efficient and cost-effective means of moving products from the manufacturer to the industrial end-user customer; and

Whereas, industrial customers benefit from total lowest costs of procurement, accurate and on-time deliveries, reliable and measurable service, top-line MROP products, local inventory, long-term partnerships, and commitment to service quality, all of which are provided by their industrial distributors; and

Whereas, the American Supply and Machinery Manufacturers' Association and the Industrial Distribution Association seek to foster a true partnership among manufacturers, distributors, and industrial end-users by cosponsoring National Manufacturing Week, the largest and most comprehensive forum for the display of industry technology in North America; and

Whereas, National Manufacturing Week is to be held at McCormick Place in Chicago on March 16-19, 1998; and

Whereas, representatives from all areas of the manufacturing industry will attend this forum, including division and corporate management, sales and

PROCLAMATIONS

marketing executives, purchasing agents, and key engineering personnel; and Whereas, more than 2,000 exhibitors will display hundreds of new industrial products, services, and technologies to provide manufacturing professionals with the newest knowledge and skills; and Whereas, educational and teaching seminars addressing issues of concern to manufacturing industry professionals will be held in conjunction with the forum;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim, March 17, 1998, as INDUSTRIAL DISTRIBUTION DAY in Illinois in recognition of our state's preeminent role as the center of American manufacturing.

Issued by the Governor February 4, 1998.

Filed by the Secretary of State February 13, 1998.

98-49

ORAL HEALTH AMERICA DAY

Whereas, the oral health of the people is one true measure of the total health of a state; and Whereas, the oral health of an individual is inseparably linked with total health and well-being; and

Whereas, oral health can affect the economic well-being and productivity of communities, states, and society as a whole; and Whereas, the United States government has identified oral health as one of the priority areas for attaining improved health for the nation by the year 2000; and

Whereas, Oral Health 2000 has been established by Oral Health America, America's Fund for Dental Health, to educate, to inform, to encourage increased community involvement, and to focus in the unity of our health concerns; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 18, 1998, as ORAL HEALTH AMERICA DAY in Illinois, honoring the Oral Health America's Annual Gala Dinner.

Issued by the Governor February 4, 1998.

Filed by the Secretary of State February 13, 1998.

98-50

SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK

98-50

SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK

Whereas, for more than 40 years, Illinois has been recognized as a leader in providing school programs and services for children with physical, mental, emotional, or educational problems; and

Whereas, Illinois school psychologists have demonstrated their concern for children's rights to free and appropriate public education tailored to their individual capabilities; and

Whereas, the school psychology profession and the Illinois School Psychologists Association have dedicated their efforts to serving the mental health and educational needs of all children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 8-14, 1998, as SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK in Illinois and commend the school psychology professionals on their dedication to the health and well-being of our students.

PROCLAMATIONS

Issued by the Governor February 4, 1998.
Filed by the Secretary of State February 13, 1998.

98-51

LITHUANIAN INDEPENDENCE DAY

Whereas, Lithuania's history as a nation dates back to the 13th century; and

Whereas, for more than 50 years, the people of Lithuania have courageously struggled for freedom and self-determination in their homeland; and Whereas, Lithuanian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state; and

Whereas, we are grateful for their significant contributions to the advancement of the arts, science, business, medicine, and education to our state and its citizens; and Whereas, the newly elected President of Lithuania, Valdas Adamkus, was a longtime resident of Illinois; and

Whereas, many events are planned to commemorate the 80th anniversary of Lithuania's independence; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 16, 1998, as LITHUANIAN INDEPENDENCE DAY in Illinois.

Issued by the Governor February 9, 1998.

Filed by the Secretary of State February 13, 1998.

98-52

WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY

Whereas, poverty, loneliness, and anonymity are ever present realities in our society; and Whereas, many citizens, visitors, and strangers, at any given time, are victims of these tragic conditions that often lead to suffering, abandonment, and death; and

Whereas, various individuals, groups, and organizations (public, private, and religious) make heroic efforts to remember and care for these indigent, disabled, lonely, and unknown persons who live and die among us; and Whereas, the unselfish acts of these caregivers and the contributions to our society of care receivers are not always known and formally recognized; and

Whereas, citizens of the State of Illinois are encouraged to participate in various community awareness exhibits and seminars, to visit the sick, elderly, confined, orphaned and dying, attend interfaith memorial services, and visit and preserve the Potter's Field in their area; and

Whereas, the hope and noble desire of all is to share equally in the blessings of liberty, justice, and prosperity granted by Almighty God;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 27, 1998, as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois.

Issued by the Governor February 9, 1998.

Filed by the Secretary of State February 13, 1998.

98-53

PROCLAMATIONS

LINCOLN-WAY KNIGHTS CHAMPIONS DAY

Whereas, the Knights from Lincoln-Way High School in New Lenox are the 1997 Class 6A Illinois State Football Champions; and
Whereas, the courage, tenacity, and leadership of the Lincoln-Way Knights have brought them an unbeaten season; and

Whereas, the success of the Lincoln-Way Knights has brought much pride to the community of New Lenox;

Whereas, I, Jim Edgar, Governor of the State of Illinois, proclaim March 25, 1998, as LINCOLN-WAY KNIGHTS CHAMPIONS DAY in Illinois.

Issued by the Governor February 10, 1998.

Filed by the Secretary of State February 13, 1998.

98-54

PROVIDENCE CELTICS CHAMPIONS DAY

Whereas, the Celtics from Providence Catholic High School in New Lenox are the 1997 Class 4A Illinois State Football Champions; and

Whereas, the courage, tenacity, and leadership of the Providence Celtics have brought them and their fans an outstanding season; and

Whereas, the success of the Providence Celtics has brought much pride to the community of New Lenox;

Whereas, I, Jim Edgar, Governor of the State of Illinois, proclaim March 26, 1998, as PROVIDENCE CELTICS CHAMPIONS DAY in Illinois.

Issued by the Governor February 10, 1998.

Filed by the Secretary of State February 13, 1998.

98-55

WALK-AMERICA WEEKEND

Whereas, the March of Dimes is entering its 60th year as a charitable organization, developing and implementing strategies to promote a healthy start in life for America's babies by preventing birth defects and infant mortality; and

Whereas, the organization was founded by President Franklin D. Roosevelt to address a national health crisis--polio--and later the March of Dimes focused its attention to improving the health of babies by working to prevent birth defects beyond polio; and

Whereas, the March of Dimes Birth Defects Foundation is a unique partnership of volunteers and professionals dedicated to supporting research and providing services to help all parents have healthy babies; and

Whereas, the March of Dimes continually searches for new avenues to strengthen its crusade; and

Whereas, this year marks the 13th year that the March of Dimes will host the Springfield Walk-America, which raises funds for these causes;

Whereas, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25-26, 1998, as WALK-AMERICA WEEKEND in Illinois and urge the citizens of Illinois to walk to help the March of Dimes in their Campaign for Healthier Babies.

Issued by the Governor February 10, 1998.

PROCLAMATIONS

Filed by the Secretary of State February 13, 1998.

Rules acted upon during the quarter of January 1 through March 31, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or instatle@ecgate.sos.state.il.us (Internet address).

PROPOSED

2-651-2 35-195R-2
 8-755-4 35-215-8
 11-502-8 35-218-2
 11-1318-2 35-240-6
 11-1770-3 35-304-7
 14-135-6 35-811-9
 14-180-2 35-813-9
 14-500-2 35-848-9
 14-510-4 38-110-7
 17-650-6 38-140-7
 17-660-6 38-160-7
 17-670-6 38-390R-1
 17-1536-6 50-4415-5
 17-2080-9 50-4435-6
 17-2520-9 59-50-1
 20-1570-1 62-240-4,5
 23-50-2 68-900R-8
 23-150R-5 68-1220-4
 23-151-5 68-1247-8
 23-650-7 68-1252-7
 23-2700-6 68-1275-6
 23-2720-6 68-1285-8
 23-2730-6 74-730-2
 23-2733-6 74-750-2
 23-2735-6 77-205-5
 23-2736-6 77-515-8
 23-2755-6 77-600-3
 23-2760-6 77-672-6
 23-2761-6 77-693-9
 23-2763-6 77-697-9
 23-2764-6 77-845-5
 23-2765-6 77-870-5
 23-2771-6 83-416-4
 23-2790-6 83-506-4
 32-331-3 83-650-1
 32-420R-7 86-100-1
 32-422-7 86-130-4,7
 32-610R-3 86-495-1
 35-183R-1 86-516-1
 35-190R-2 86-750-2

86-1910-8
 86-3000-1
 89-101-1
 89-112-10
 89-113-4,5
 89-120-1,2
 89-121-3
 89-140-1,8
 89-679-4
 89-1100-7
 92-443-6
 92-445-5
 92-1010-4

ADOPTED

2-926-2
 8-600-2
 8-1400-7
 11-314-4
 11-315-4
 11-317-4
 11-603-4,7
 14-130-3
 17-120-5
 17-130-6
 17-590-4
 17-710-4
 17-1522-4
 20-504-2
 20-505-2
 23-1501-4
 29-620-2
 35-211-7
 35-218-7
 35-219-7
 35-302-2
 35-303-2
 35-304-2
 35-352-10
 35-662-8
 35-663-8

35-702-1
 35-703-1
 35-720-1
 35-721-1
 35-722-1
 35-723-1
 35-724-1
 35-725-1
 35-726-1
 35-728-1
 35-733-1
 35-738-1
 35-739-1
 38-1050-1
 41-140-2
 41-180-8
 44-910-2
 44-980-2
 44-1000-2
 47-110-3
 47-220-8
 47-250-8
 47-260-8
 47-310-8
 47-360-9
 47-365-8
 50-909-6
 50-930-6
 50-1406-6
 50-2012-4
 50-5100-4
 56-2660-2
 56-5300
 68-1283-8
 68-1300-8
 68-1310-8
 68-1350-8
 68-1470-8
 68-1475-8
 77-245-8
 77-250-8

EMERGENCY

8-755-4
 11-1770-3
 20-1570-1
 23-151-5
 23-650-2
 32-422-2
 38-110-2
 38-140-2

PEREMPTORY

8-125-7
 80-310-2,9

77-260-8
 77-270-4
 77-300-8
 77-330-8
 77-340-8
 77-350-8
 77-370-8
 77-390-8
 77-395-8
 77-915-8
 77-920-8
 77-925-8
 80-310-5
 80-1540-1
 80-1600-8
 83-766-7
 83-772-1
 86-100-4
 86-130-6
 86-500-4
 86-501-4
 86-1910-1
 86-3000-10
 89-140-2,10
 89-146-10
 89-148-2,6
 89-220-7
 89-230-7
 89-240-7
 89-402-1
 89-407-3
 89-682-4
 89-886-8
 92-1030-2
 92-1040-2
 92-1100R-4
 92-1100-4

38-160-2
 56-2665-5
 62-240-1
 68-1220-4
 68-1252-7
 68-1455-8
 71-40-5
 77-672-6
 77-870-5
 83-416-4
 83-506-4
 86-516-1
 86-517-6
 86-3000-1
 89-112-10
 89-120-2
 89-121-3
 89-679-4



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1997 1998 1997 1998

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1997 1998 1997 1998

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1997 1998 1997 1998

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1997 1998 1997 1998

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1997 1998 1997 1998

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